

Strategic Planning Board

Agenda

Date: Wednesday, 19th October, 2016
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 3 - 12)

To approve the minutes of the meeting held on 21st September 2016 as a correct record.

Please Contact: Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/1046N - LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 for Mr Christopher Conlon, Bovis Homes Ltd (Pages 13 - 32)**

To consider the above application.

6. **13/5242C - Land off, Hawthorne Drive, Sandbach, Cheshire, CW11 4JH: Residential development comprising 138 dwellings, access and associated works (accompanied by an Environmental Statement) for Adele Snook, Persimmon Homes North West (Pages 33 - 60)**

To consider the above application.

7. **16/1131N - ERECTION OF 120 DWELLINGS AND ALL ASSOCI, LAND TO THE WEST OF AUDLEM ROAD, AUDLEM ROAD, AUDLEM, CHESHIRE, CH3 OHE: APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF OUTLINE PERMISSION FOR UP TO 120 DWELLINGS (APPEAL REF - APP/R0660/A/13/2204723) FOR ANWYL CONSTRUCTION CO LTD (Pages 61 - 76)**

To consider the above application.

8. **Proposal of a Local Development Order (LDO) at Reaseheath College (Pages 77 - 110)**

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 21st September, 2016 at Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, L Durham (Substitute), D Hough, J Macrae,
N Mannion (Substitute), S McGrory, S Pochin, B Roberts (Substitute),
M Sewart and J Wray

OFFICERS

Nicky Folan (Planning Solicitor)
Sean Hannaby (Director of Planning and Sustainable Development)
Paul Hurdus (Highways Development Manager)
Robert Law (Senior Planning Officer)
David Malcolm (Head of Planning (Regulations))
Sue Orrell (Principal Planning Officer)
Paul Wakefield (Principal Planning Officer)
Emma Williams (Principal Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

42 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Brown, J Jackson and
D Newton.

43 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 16/1046N, 15/5222C
and 16/0514C Councillor J Hammond declared that he was a Director of
ANSA Environmental Services who had been consultees on the
applications but had not made any comments in respect of the applications
nor taken part in any discussions.

With regard to application number 16/1046N Councillor J Hammond
declared that he was a member of Haslington Parish Council who have
been consultees on the application but had not made any comments in
respect of the application nor taken part in any discussions.

Councillor Hammond also declared that he had received emails relating to
the applications being considered today which had also been sent to all
Members of the Board.

In the interest of openness in respect of application 15/5222C Councillor D Hough declared that he was a member of Alsager Town Council who have been consultees on the application but had not made any comments in respect of the application nor taken part in any discussions.

With regard to application 15/15676M Councillor L Durham declared that as the Cabinet Member for Children and Families and a member of Macclesfield Town Council she had not made any comments in respect of the application nor taken part in any discussions.

44 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 24th August 2016 be approved as a correct record and signed by the Chairman.

45 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

46 16/1046N - LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE CW1 5RT: RESERVED MATTERS APPLICATION FOR THE ERECTION OF 245 DWELLINGS, HIGHWAYS, PUBLIC OPEN SPACE, PLAY FACILITY AND ASSOCIATED WORKS FOLLOWING APPROVED OUTLINE APPLICATION (13/4301N) APP/R0660/A/14/2213304 FOR MR C CONLON, BOVIS HOMES LTD

The Board considered a report and written and verbal updates regarding the above application.

(Mr K Froggatt (Objector) and Mr B Herrod (on behalf of the Applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be DEFERRED due to concerns over the western boundary and amenity impact and to look at general design layout changes with a focus on the Crewe Road frontage and Park Road frontage including screening.

47 15/5222C - FORMER MANCHESTER METROPOLITAN UNIVERSITY ALSAGER CAMPUS, HASSALL ROAD, ALSAGER, CHESHIRE, ST7 2HL: DEMOLITION OF ALL BUILDINGS & ERECTION OF 426 DWELLINGS WITH ASSOCIATED PARKING, LAYING OUT OF NEW GRASS PITCHES, TWO ARTIFICIAL GRASS PITCHES WITH ASSOCIATED FLOODLIGHTING AND FENCING, NEW CHANGING ROOMS AND ANCILLARY PARKING AND NEW ACCESSES ONTO

**HASSALL ROAD AND DUNNOCKSFOLD ROAD FOR
BARRATT/DAVID WILSON HOMES AND MANCHESTER
METROPOLITAN UNIVERSITY**

The Board considered a report and written and verbal updates regarding the above application.

(Councillor R Fletcher (Ward Member), Councillor P Williams (on behalf of Alsager Town Council), Mr M Cross and Mr N Riley (Supporters) and Mr A Taylor (Agent) attended the meeting and spoke in respect of the application).

(In addition a statement was read out on behalf of the Ward Councillor M Deakin, who was unable to attend the meeting)

Note: Councillor P Williams (on behalf of Alsager Town Council) had not registered his intention to address the Board. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Williams to speak.

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to the completion of a Section 106 Agreement to include:

- Financial contribution of £70,000 towards a pedestrian crossing on Hassall Road.
- Financial contribution towards provision of fitness stations and studio space at Alsager Leisure Centre.
- Financial contribution of £14,888 to enable capacity improvements to be made to Crewe Vagrants facilities.
- Provision and Management of on site open space
- Phased transfer of land to CEC upon completion to be agreed, with the AGP's, changing facility and parking areas to be constructed and handed over first, in advance of the grassed pitches.
- Detailed management plan for the sports pitch area to be agreed with Management body (Everybody Sport & Leisure) prior to commencement of works.
- Land to be retained as sports area in perpetuity.
- Cascade criteria for 1 bed units (to include discussion with RSLs and Ward Members)
- Re-assessment of the viability of the proposal through an overage clause

and the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials

4. Landscaping - submission of details
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement
9. Tree pruning / felling specification
10. Service / drainage layout
11. Obscure glazing requirement
12. Landscaping to include details of boundary treatment
13. Written scheme of archaeological investigation to be submitted and implemented as approved
14. Detailed proposals (including specific position on site) for acoustic fencing to be submitted
15. Sports Pitches Hours of Use (Summer / Winter
16. Environmental Management Plan to be submitted
17. Lighting details to be submitted
18. Low emission strategy to be submitted (air quality)
19. Travel plan to be submitted
20. Dust mitigation measures outlined in the submitted Air Quality Assessment to be implemented
21. Additional Phase II investigations to be carried out / submitted (contaminated land)
22. Development to be carried out in accordance with the approved Flood Risk Assessment
23. Surface water drainage details to be submitted
24. Foul and surface water shall be drained on separate systems
25. Development to proceed in accordance with the recommendations of the submitted Badger Survey
26. Incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.
27. Nesting bird survey to be submitted
28. 10 year Woodland Management Plan for the Woodland identified as W1 on the submitted Tree Survey Drawing (P.424.14.01 Revision c) to be submitted
29. Details of signage to be provided within car park to prevent sports traffic utilising Manor Farm access drive.
30. Visibility splays to be provided

31. Drainage solution for the drain outlet in the south west corner of the development site to be submitted
32. Bin Storage
33. Cycle parking
34. Replacement hockey pitch to be available for use prior to the loss of the existing
35. Specification for the artificial grass pitches and natural turf pitches
36. Survey of replacement planting field
37. Phasing of development

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Following consideration of this application the meeting adjourned for lunch from 14.00 pm to 14.45 pm.

Councillor J Macrae left the meeting and did not return.

- 48 **15/5676M - BARRACKS MILL, BLACK LANE, MACCLESFIELD, CHESHIRE: OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF THREE UNITS WITH MEZZANINE FLOORS FOR CLASS A1 RETAIL USE (C12,000 SQUARE METRES GIA) PLUS EXTERNAL SALES AREA; ONE FOOD RETAIL UNIT (CLASS A1) INCLUDING MEZZANINE (C1,200 SQUARE METRES GIA); TWO UNITS FOR CLASS A1/A3/A5 USES (C450 SQUARE METRES GIA); AND WORKS TO CREATE NEW ACCESS FROM THE SILK ROAD, PEDESTRIAN/CYCLE BRIDGE, CAR PARKING, SERVICING FACILITIES AND ASSOCIATED WORKS FOR CEDAR INVEST LIMITED**

The Board considered a report and written and verbal updates regarding the above application.

(Mr P Turner (on behalf of Macclesfield Town Council), Councillor B Dooley (Neighbouring Ward Member), Mr R Govier (Objector) and Mr H Spawton (Agent) attended the meeting and spoke in respect of the application).

RESOLVED

That contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reason:

The proposals would have a significant adverse impact on the vitality and viability of Macclesfield Town Centre. It would adversely affect local consumer choice and trade in the town centre and wider area as it will exacerbate one of the main weaknesses of the town centre by strengthening the out-of-centre competition which has been identified as a threat to the future vitality and viability of Macclesfield Town Centre. This would be contrary to guidance within the NPPF and policies S1 and S2 of the Macclesfield Local Plan 2004.

Informative:

Members of the Strategic Planning Board expressed concern that the proposal would be contrary to the interests of highway safety since it would result in an intensification of the use of Black Lane and would not allow the safe and suitable access by large HGV and service vehicles, which would also be to the detriment of the amenity afforded to nearby residents.

Following consideration of this application, Councillor S McGrory left the meeting and did not return.

49 16/0514C - LAND AT BACK LANE, CONGLETON: OUTLINE APPLICATION FOR DEMOLITION OF SOME EXISTING BUILDINGS AND THE DEVELOPMENT OF A RESIDENTIAL SCHEME COMPOSING UP TO 140 DWELLINGS, OPEN SPACE, LANDSCAPE, ACCESS AND ASSOCIATED INFRASTRUCTURE FOR RUSSELL HOMES (UK) LIMITED

The Board considered a report and written update regarding the above application.

(Mr G Lynch (Agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to:

- a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.
- and the completion of a S106 Agreement to secure the following:

1. Detailed open space scheme, maintenance scheme and management agreement scheme for the open space/children's play to be submitted and approved and implemented in perpetuity.
2. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
3. Education contribution - £162,694.35 (Primary)
4. Education contribution - £326,853.80 (secondary)
5. Education contribution - £91,000 (SEN)
6. Highways Dedication of land in accordance with plan
7. Highways commuted sum for works to Back Lane of £638,695.34 to be paid upon commencement of development or the developer will directly undertake the highway widening as indicated on dwg SCP-15116-FO2 Rev C
8. Dedication of land on Back Lane to Highway Authority
9. Biodiversity payment in lieu of loss of marshy grassland (amount to be confirmed)

And the following conditions:

1. Standard Outline
2. Submission of reserved matters
3. Plans – inc parameters plan
4. Reserved matters to incorporate a mix of units of all sizes for market sale including the provision of 1 and 2 bedroomed units and bungalows
5. Design Coding to form part of reserved matters
6. Reserved matters to include Arboricultural Impact Assessment
7. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust
8. Reserved matters to include details of NEAP including 8 pieces of equipment for all ages and comprise minimum area of 4360 m sq – of which 1000 m sq shall be for NEAP
9. Public Rights of Way scheme of management shall be submitted to and approved
10. Bat mitigation strategy to be submitted as part of any reserved matters application
11. Illustrative master plan to be amended to show the retention of enhancement of the existing pond as part of the open space associated with the development.
12. Public Parking area to laid out and drained in accordance with scheme to be submitted and approved
13. Surface water drainage scheme – Prior submission/approval
14. Drainage strategy/design in accordance with the appropriate method of surface water drainage
15. Boundary treatments – Prior submission/approval
16. Breeding birds and roosting bat features – Prior submission/approval
17. Contaminated Land Phase I
18. Residential travel plan

19. Car charging for each dwelling
20. Tree and hedgerow Protection scheme – Prior submission/approval
21. Himalayan Balsam management strategy
22. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)
23. Bin Storage
24. Cycle Storage

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

50 16/3064W - DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON SK11 9DR: VARIATION OF CONDITIONS 2, 4 AND 5 OF PERMISSION 10/3080W FOR MISS MARIA COTTON, SIBELCO

The Board considered a report and written and verbal updates regarding the above application.

(Mr M Hurley (on behalf of the Applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to:

- prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures the implementation of the management plan referred to in the Agreement of 13th September 1994 and of the woodland management plan and hydrological monitoring referred to in the planning agreement of 12th September 1994 in respect of this site; as varied by the Deed of Variation dated 20th September 2013

And subject to the imposition of the following conditions:

- All the conditions attached to permission 10/3080W unless amended by those below;
- Revised phasing plan;

- Extension of time for mineral extraction to 30th June 2019 with restoration completed by 31st December 2020
- Updated badger survey

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

51 16/3062W - DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON SK11 9DR: VARIATION OF CONDITIONS 2, 4 AND 5 OF PERMISSION 10/3078W FOR MISS MARIA COTTON, SIBELCO

The Board considered a report and written update regarding the above application.

(Mr M Hurley (on behalf of the Applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the reports the application be APPROVED subject to:

- prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures the implementation of the management plan referred to in the Agreement of 8th January 2007 as varied by the Deed of Variation dated 20th September 2013

And Subject to the imposition of the following conditions:

- All the conditions attached to permission 10/3078W unless amended by those below;
- Revised phasing plan;
- Extension of time for mineral extraction to 30th June 2018 with restoration completed by no later than 31st December 2020
- Updated badger survey
- Measures to deal with unexpected archaeological finds

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

The meeting commenced at 10.30 am and concluded at 5.30 pm

Councillor H Davenport (Chairman)

Application No: 16/1046N

Location: LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT

Proposal: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 31-May-2016

Summary

The principle of development of this site for 250 dwellings has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity and complies with the privacy distance standards in adopted policy, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral having already been addressed at outline stage.

In terms of the Public Open Space and the 12 piece LEAP provision required by the outline permission can be provided

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation and the Council ecologist has confirmed that the favourable conservation status of the Great Crested Newt is maintained by the proposals.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site. Further, the layout is in general conformity with the formally approved landscape masterplan conditioned as part of the outline permission.

The proposed access point and the traffic generation impact of this development has already been accepted together with contributions for off-site highway works as part of the outline planning permission on the site. This issue can not be visited as part of an assessment of the reserved matters

The internal design of the highway layout/parking provision is considered to be acceptable.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site, together with the construction benefits to the construction supply chain.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve subject to conditions

DEFERRAL

This application was deferred by SPB on 29 September for the applicant to consider amendments to the scheme, improved planting to the Ashley Meadow boundary and to consider providing off street parking for 2 dwellings opposite the emergency access point off Park Lane.

The main report has been updated to reflect those changes and also additional information (such as ecology) from the last meeting. However, in essence the main changes are indicated below.

- 5 bungalows have been introduced to the layout to the Ashley Meadows elevation where it abuts Brookfield
- Plots 231 and 232 are reduced in height to 2 storeys from the 2½ storey units previously submitted.
- The mix of housing has therefore changed to the following:
 - 12 no. 1 bed flats (2 storey)
 - 8 no. 2 bed bungalows (increased by 5)
 - 41 no. 2 bed semi/ terraced units
 - 52 no. 3 bed semi/ terraced units
 - 31 no. 3 bed detached units (reduced by 2)
 - 2 no. 4 bed semi detached units
 - 60 no. 4 bed detached units (reduced by 1)
 - 39 no. 5 bed detached units (reduced by 2)
- A layby for the parking of 2 cars has been provided on Park Lane opposite the 2 dwellings who park on the public highway close to the emergency access point..

- Further Ecological Buffer planting has been provided to the Ashley Meadows boundary of the site.

PROPOSAL:

This is a reserved matters application for 245 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved outline scheme on Crewe Road.

The development would consist of 1 to 5 bedroom units. 73 of the units are affordable units dispersed within the development and of the same design style of the market units. The majority of the units would be 2 storeys in height, however, there are, as revised, 8 bungalows (an increase of 5 from previous) and 4 units would be detached townhouses of 2.5 storeys, these are located within the heart of the development.

The development is split into six character areas and follows the parameters as approved within the outline scheme

The development would now consist of the following mix:

- 12 no. 1 bed flats (2 storey)
- 8 no. 2 bed bungalows (increased by 5 no since last committee)
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 31 no. 3 bed detached units (reduced by 2 no from last committee)
- 2 no. 4 bed semi detached units
- 60 no. 4 bed detached units (reduced by 1 no from last committee)
- 39 no. 5 bed detached units (reduced by 2 no from last committee)

Public Open Space circumvents the application site with a LEAP comprising 12 pieces of located to the southern area of POS. Emergency vehicle access is provided via Park Lane. The area for the medical centre is left undeveloped and a small portion of the site between plots 189 and 211 is undeveloped as part of these reserved matters.

The proposal has been amended on 2 occasions during the consideration of the application to address Officer concerns. Following on from the most recent committee deferral, 5 bungalows have been introduced to the layout to the Ashley Meadows elevation where it abuts Brookfield and plots 231 and 232 are reduced in height to 2 storeys from the 2 ½ storey units previously submitted).

To fully comply with the quantum of development allowed by the appeal on this site, a further 5 dwellings could be accommodated. An area suitable for the provision of 5 such units has been removed from this application as part of the revision within the heart of the application site. To comply with the affordable housing requirements of the S106, 2 of these future units would need to be affordable units.

To address Member concerns a layby for the parking of 2 cars have been provided on Park Lane opposite the 2 dwelling who park on the public highway close to the emergency access point for emergency vehicles. Ecological Buffer planting has been provided to the Ashley Meadows elevation.

SITE DESCRIPTION:

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares.

The application site is currently an area of agricultural land covering three large fields, with a network of hedgerows. The northern boundary is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. There are a number of mature trees along the northern boundary and along the northern part of the site where it projects to the Crewe Road boundary.

The western boundary also abuts the built edge of Haslington , with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside.

RELEVANT HISTORY:

There are numerous historic applications on this site but the most relevant is -

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Conditional planning permission granted on appeal 14/8/2014

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS:

Environment Agency: No comments to make. Refer to internal Flood Risk Manager

Natural England : Development will not affect Statutory site

ANSA (Public Open Space): The play equipment offered is somewhat out dated and could be bettered

CEC Flood Risk Manager: No objection subject to condition

United Utilities: No objection subject to the imposition of planning conditions.

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Environment Management Plan, Phase ii contamination report and electric vehicle infrastructure.

CEC Head of Strategic Infrastructure: No objection.

CEC Strategic Housing Manager: No objection.

VIEWS OF THE PARISH/TOWN COUNCIL: Haslington Parish Council:

1. This application appears to cover a site where Cheshire East as the planning authority refused to grant outline approval for development. A subsequent appeal detailed fundamental requirements to be resolved regarding access before development would be approved. Access is still unresolved, so this application appears to be premature.
2. The proposed layout for the field has a dense cluster of properties that do not relate to the adjoining street scene. The nine proposed properties in the field next to Crewe Road be deleted from the proposals, and the area left as green open space - this would provide the benefits of retaining the existing break in the frontage of properties on Crewe Road, not damaging the existing gradual transition from open rural landscape to denser urban development. This would minimise the visual impact of the development as residents and visitors travel along Crewe Road into Haslington village from the neighbouring community of Winterley.
3. The application documents provide various “typical street scenes”, these highlight the fact that the development appears to have a very limited range of building heights, no effort has been made to introduce a range of building heights or silhouettes within the development. The application shows little attempt to blend into the existing rural - urban boundary, this site is in a very prominent location when viewed from the surrounding open countryside, with its many public footpaths. If one approaches the village on the public footpath from Haslington Hall, the existing developed horizon shows buildings of many shapes and sizes, between the mature trees.
4. The affordable homes are in large blocks within the development, Cheshire East policy requires that affordable homes are pepper potted throughout the development to demonstrate a tenure blind community. The affordable homes need to be split up throughout the development.

5. The public open space between the development and the existing properties on Ashley Meadow will allow the public to look directly into the back gardens and windows of the existing properties. The existing properties were designed with the expectation of them continuing to overlook open farmland not a public area. Perhaps this area could be designated a wildlife corridor, with only restricted access to allow maintenance of the existing stream, rather than full public access.
6. No details of the design of the proposed medical centre have been submitted, can the provision of the medical centre be made a condition for development?

REPRESENTATIONS:

From circa 81 addresses in the locality there have been 108 individual representations, raising objection to the application as originally submitted on the following grounds :

Principal of development

- The development does not take into account the emerging Haslington Neighbourhood Plan
- Local Authority has a 5 year plan so houses not needed
- Loss of green and agricultural land
- The site is not sustainably located
- No evidence to demonstrate that the housing numbers meet any local need
- Loss of open countryside
- Plenty of empty houses in Crewe
- There should be retirement bungalows and starter homes included so that existing residents will be able to stay in the village
- Revised layout has 3 storey houses to Ashley Meadows boundary. Inspector required bungalows to this boundary

Highways

- Inadequate car parking provision
- Traffic congestion
- Traffic impact

Green Issues

- Landscape impact
- Impact upon biodiversity
- Impact upon protected species
- Flooding
- Ponds to the rear of 202 Crewe Rd are ecologically important and should not be utilised as part of drainage strategy of site
- Submitted Environmental Reports inaccurate
- Ponds will dry out in the summer months

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

Other matters

- Development should not be allowed before the visibility splay issue on Crewe Road is resolved (Condition 19 on outline)
- Application is premature due to access condition
- Property values and existing residents not being able to sell their own properties

Further to the additional neighbour consultation in respect of the revised plans, circa 50 representations from 38 different addresses and Haslington Action Group

- The application has significant and material differences to the Masterplan provided at appeal APP/R0660/A/14/2213304.
- The access in its current form does not provide adequate splays.
- Additional ecological information not available in the outline planning application seriously questions the scale of the development.
- The urban grain is too dense.
- There are numerous errors and inconsistencies in the application, which makes it impossible to even know what is actually being asked for.
- The scheme does not comply with the privacy distances indicated within the outline appeal Design and Access Statement to Ashley Meadows.
- No bungalows to Ashley Meadows elevation as indicated in outline design and access statement
- The separation distance to Ashley Meadows has reduced from the indicative masterplan
- There is no planting of trees or shrubs to the rear of the fenceline
- Reorientation now creates direct overlooking
- No garages to the rear, all are now at the side.
- The plans have changed from previous
- Bungalows removed and introduction of 3 storey (2 ½ in developer speak) buildings
- 21m Offset to rear building line not maintained
- Scheme does not comply with Cheshire East design Officer comment on outline scheme
- The changes in house types will result in greater footfall
- The cumulative impact of further allowed developments in Winterley and Haslington after this site was granted permission will have and this access should be re-assessed on that basis
- Loss of hedgerows and ponds on the site, therefore ignoring previous advice and submissions in relation to wildlife and environmental matters, including flooding risk of neighbours.
- Highways impact
- Schools, Doctors surgeries, dentists and hospitals and many other basic amenities are all overcrowded in the area

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/4301N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

This proposal provides for the following mix:

- 12 no. 1 bed flats (2 storey)
- 8 no. 2 bed bungalows (increased by 5 no since last committee)
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 31 no. 3 bed detached units (reduced by 2 no from last committee)
- 2 no. 4 bed semi detached units
- 60 no. 4 bed detached units (reduced by 1 no from last committee)
- 39 no. 5 bed detached units (reduced by 2 no from last committee)

This residential mix is acceptable as it sits entirely in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The scheme has been revised to increase the numbers of smaller family homes as part of the scheme. The mix of sizes, both for market sale and affordable units are considered acceptable.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

This is a proposed development of 245 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 73 dwellings to be provided as affordable dwellings. 48 units should be provided as Affordable rent and 25 units as Intermediate tenure

The site is located in Haslington which is in the Haslington and Englesea sub-area for the SHMA Update 2013, and identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings. Information from Cheshire Homechoice shows that

there are 50 applicants who have selected Haslington as their first area of choice. Those applicants require 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed dwellings.

Strategic Housing were involved in pre-application discussions with the applicant and have confirmed that the mix of units supplied by the development is acceptable and broadly reflects the level of housing need in the area.

The external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable. The distribution (pepper- potting) of the affordable units within the site is considered to be acceptable by the Strategic Housing Manager.

Highways Implications

Matters pertaining to the highways impact of 250 dwellings on the wider highways network, together with the site access were considered as part of the outline application. This application does not afford any ability to re-visit these issues.

Conditions attached to the to outline scheme remain and the Applicant is required to satisfy all condition precedents, Grampian and other conditions attached to the outline permission as part of the discharge of conditions or the implementation of the permission.

Accordingly, condition 19 attached to the outline is extant, and states;

‘No development shall take place on site until the proposed new junction with Crewe Road, including the visibility splays as specified, has first been constructed in accordance with the details shown on Figure 6.1, Rev.B: “Proposed Site Access Junction with Pedestrian Crossing”

The visibility splay is a matter of dispute as to its ownership and was also disputed during the outline appeal, when the Inspector referred to the ownership dispute as part of his decision. Such matters are legal matters, as previously determined by the Inspector, and not relevant to the determination of a planning application for reserved matters such as this. This reserved matters application does not seek to alter condition 19 and remains as part of the outline permission. The applicant will need to comply with the condition to implement the scheme.

The internal road layout of this site, the carriageway widths proposed are a mix of formal highway 5.5m with two 2.0m footways and 4.8m roads with either a single footway or two footways. There are also a number of shared surface roads proposed within the site, these are low speed areas that will operate as vehicle/pedestrian areas.

The car parking provision for the units proposed is in accordance with current CEC standards and the level of off street parking is considered acceptable.

Overall, the road layout is one that meets the necessary highway standards and is suitable for adoption. The Strategic Highways Manager has therefore confirmed that the proposal is acceptable.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

This site shares boundaries with properties on Ashley Meadows, Church Farm on Park Lane, 180-204 Crewe Rd. The rear elevation of plots 226 and 345 would back on to the rear of existing dwellings on Ashley Drive and at Church Farm.

Properties that adjoin the site within Ashley Meadows have a land level approximately 2m lower than the application site. To this boundary an avenue of dwellings is to be created, interspersed by a linear part of the POS that is a landscape buffer between the site and the neighbouring units on Ashley Meadows.

The 5 bungalows to the Brookfield (top of) Ashley Meadows are at the point of the site where land levels on the adjoining land is the lowest. The separation distance with the adjoining neighbours on Ashley Meadows is 38 metres. This exceeds the separation distance standard required by adopted planning policy by some margin. The only other boundary of the site where there are existing properties is to the Crewe Road frontage where the relationship is also acceptable.

The separation distances between the proposed dwellings are also considered to be acceptable.

Trees and Hedgerows

This application identifies the removal of two TPO trees (identified as Sycamores T37 and T38) located on the Crewe Road frontage and an unprotected Cherry (T41) and Beech (T42) to facilitate the proposed access as approved under the outline permission. Provision for replacement/mitigation of these losses are included within the proposed areas of public open space.

The proposed layout provides for the retention of the High (A) category and Moderate (B) category trees (both TPO'd and not TPO'd) within areas of Public Open Space, with some minor low (C) category losses internally within the site.

Overall the Arborist raises no objection subject to conditions.

Landscape

A landscaping scheme including a landscape and POS management schedule has been submitted with this application and this has been considered by the Councils Landscape Architect.

The Landscape architect has stated that the proposed landscaping scheme is acceptable.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Six character areas have been developed from the outline indicative masterplan. These are -

- Crewe Road & The Avenue – Two storey detached dwellings in a linear spine running from Crewe Road to the southern boundary of the site
- Hazel Green – Two storey detached with mix of facings overlooking the ponds and open space (POS) to the north of the main inner site development zone
- Rural Edge Rides – Similar to Hazel Green but with greater spacing between dwellings – adjoins the southern part of the site overlooking the POS – abuts the countryside
- The Greenway – Central zone linear blocks of terraced and semi detached dwellings, all 2 storey – hedgerow retained within central part of zone
- The Lane – adjoins the boundary to Ashley Meadows – 2 storey detached dwellings with 5 bungalows to the top of the zone
- Squares and courtyards – denser development in inner parts of the site shrouded within existing character areas from any outer site boundary, 4 units are 2 ½ storey.

The positive and externally orientated perimeter houses are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of dwellings per hectare is appropriate due to the urban fringe location of the site and the development framework is as indicated within the information submitted within the design and access statement submitted at outline stage. The palette and mix of materials comprises render as well as brick, with key focal point units being orientated to key streetscene points. Whilst the house types are part of this house builders standard portfolio, the same house within each character area within the site has a different design treatments throughout the character areas to create a different sense of place by well chosen design features. This use of different palettes such as hanging tiles to bays or render or brick to the same bay within different zones is considered to be appropriate and will add interest in streetscenes and the different character areas

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the palette of materials and their scale is considered to be acceptable and respects the character of this part of Haslington, bearing in mind

that the outline permission allows up to 250 units being developed on the site within a development framework/development zones as applied for.

The Development Zone to the Crewe Road part of the site comprises 8 units within the developable area. At outline stage the plans submitted to the appeal indicated (but are not a conditioned plan) 7 detached dwellings to the same development area. The additional unit is provided by splitting a very large plot into 2 on the main road frontage. This is considered to comply with the design principles established at outline stage and the provision of housing to this location is entirely in accordance with the outline permission and the character area

The Urban Design Officer has considered the scheme and advises that it conforms with the master planning principles indicated at outline stage and complies with the principles of the emerging Urban Design Guide.

Ecology

The current application is supported by an Ecological Mitigation strategy, which refers to the potential presence of amphibians including great crested newts, but which does not include specific mitigation and compensation proposals for this species. GCN mitigation proposals have been included with the submitted great crested newt survey report.

Whilst much of the habitat lost to the footprints of the proposed houses is of limited value to great crested newts, there are some quite severe impacts on the high quality habitat located in close proximity to the breeding ponds.

Consequently, there is concern that the impacts of the proposed development will be adequately mitigated or compensated for and that the favourable conservation status is maintained.

Bats

A number of trees present on site have been identified as having potential to support roosting bats. Based on the submitted layout plan it appears feasible for these trees to be retained as part of the development.

An updated assessment of the buildings on site has identified a number of potential features that could be used by roosting bats. However, further detailed surveys have not identified any evidence of roosting bats.

The Ecologist advises that roosting bats are unlikely to be directly affected by the proposed development.

Reptiles

The applicants consultant has advised that a further reptile survey has not been undertaken this year. The ecologist considers that the Council has sufficient information to conclude that reptiles are not reasonable likely to be present or affected by the proposed development.

Great Crested Newts

The applicant is proposing that the SUDS scheme for the site discharges into the existing pond. This water would be at the end of the treatment chain.

The Council seeks to ensure, in determining applications, that GCN ponds and ponds associated with SUDS are kept separate to avoid any risk of contamination. However, in this instance it is important to ensure that the existing pond receives sufficient water as part of the proposed development to maintain water levels in the pond.

There are two issues here; firstly it must be ensured that the water entering the pond is sufficiently clean to not affect newts and; secondly it must be ensured that sufficient water enters the pond to ensure the existing water levels in the pond are maintained.

In order to ensure that the water entering the newt pond is of sufficient quality the applicant is proposing that the water from the site discharges into the newt pond at the end of the SUDS 'treatment train'. Therefore water entering the pond would already of been filtered through gravel/reedbeds prior to reaching the pond which should remove any contamination.

The Council's Flood Risk Manager has discussed this with the Council Ecologist and has advised that it is feasible that the SUDS could be designed to maintain the existing flow of water to the newt pond. To ensure the above was taken forward a detailed design for the SUDS would need to be submitted prior to the commencement of development. This could be a planning condition.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

With respect to these matters; the development has the benefit of outline planning permission and the benefits to the housing land supply position of the Council are considered to be of overriding public interest and that there are no suitable alternatives in the vicinity of the site which could be utilised to deliver the housing development

Significant information has been submitted concerning the newt mitigation area. The Ecologist has confirmed that he is satisfied that the favourable conservation status of the European Protected Species will be safeguarded by these proposals.

It should be noted that a neighbour has claimed ownership of the large pond to the rear of 198 Crewe Road. Land Registry plans, however, confirm the owner of the pond and the land around it is the Applicant.

Public Open Space

The amount of open space required as part of this development is circa 4900 m sq and the proposed development includes 33939m2 POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision. This is maintained by Private residents Management Company in accordance with the S106 attached to the outline permission

The Unilateral Undertaking attached to the outline permission also secures the provision of a 12 piece LEAP and this would be provided within the proposed POS.

The Leisure Services Manager considers that the range of equipment could be improved, subject to condition; this is considered to be acceptable. A condition will be required.

To address previous concerns the Applicant has offered a small portion of the POS close to the emergency vehicle access to be made into a layby for parking of 2 cars for the use of neighbours on Park Road. The management of this area will fall will the management agreement for the POS. The layout of the POS is set by the reserved matters so there is no concern about the loss of the small portion of the POS will have any impact upon the function of the POS

Education

The issue of education capacity for 250 units was dealt with as part of the outline application. Education mitigation payments of £448,089 and £539,309 in respect of primary and secondary education via the S106 Agreement attached to the outline permission. This application can not now revisit this issue.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted which includes an outline surface water drainage strategy that deals with the increased surface water flows offsite generated by the increase in impermeable area. This involves restricting the flows off site to the original greenfield runoff rate by using ponds to store the excess volumes.

The FRA includes site specific hydraulic modelling to determine if any of the development lies outside Flood Zone 1. A small area lies within Flood Zone 2 and 3 and the proposed finished floor levels will be set 600mm above the appropriate flood level in this area. The modelling confirms anecdotal evidence from public consultation about historical flooding. Because the drainage strategy intends to mimic existing conditions there will be no betterment of the flood risk to the surrounding area. Flooding offsite will still occur and it will be no better or worse than before. The requirement to manage the risk from overland flow of surface water from the site is a condition on the outline permission.

In this case the Councils Flood Risk Manager has considered the flood risk implications from this development. Conditions managing the risk from overland flow of surface water from the site are already placed upon the outline permission and there is no need to repeat drainage conditions for this reserved matters application.

The provision of foul drainage will be by gravity to a pumping station where it will be pumped to the nearest existing sewer. It is anticipated that the foul drainage system including the pumping station will be adopted by United Utilities. The pumping station will require emergency storage and connections to allow the contents to be drawn off into a tanker.

Overall the proposal flood risk and drainage strategy is considered to be acceptable in terms of the flood risk and drainage.

OTHER MATTERS

Much neighbour comment is raised in representations in this case concerning the access condition 19 attached to the outline permission. As detailed previously in this report, condition 19 is a condition, which the developer, in implementing their planning permission, will have to comply with. Issues of ownership/boundary disputes are not material planning issues and are not relevant to this determination of the matters reserved by the outline planning permission, the layout, appearance, landscaping of the scheme.

Neighbours have raised objection to the revisions of the scheme on the basis that they are at variance with the outline design and access statement and other statements submitted by Richborough Estates in the outline application.

Members are advised that such information is indicative at outline stage and can only be required to follow through to the reserved matters if a condition is attached to that outline permission. In this case there are 3 plans attached to the outline permission via conditions which need to be complied with; these are the access visibility splay as required by condition 19; the landscape masterplan and the location plan. There is no condition attached to the outline permission requiring compliance with the indicative masterplan or any statement submitted in support of the outline scheme. The detailed plans submitted in this case comply with the landscape masterplan and the location plan.

The objections of neighbours are noted, but for the reasons outlined in this report, the objections are based on matters that have already been considered as part of the outline appeal, and can not be re-visited as part of this application or can be mitigated by the use of conditions. In these circumstances it is considered that the objections raised can not be sustained as a reason to refuse this application.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral, subject to the mitigation previously required at outline stage. No further contributions can be sought

In terms of the POS and LEAP provision this is considered to be acceptable, subject to revision of the types of equipment.

The lay by to Park Road will be available to allow parking off Park Road. It will not be dedicated to the highway authority and it will be managed via the Management Agreement. This is a benefit for neighbours should they wish to use it.

Environmental Sustainability

The layout of the residential area is in line with the parameters set at outline stage and the layout is considered to result in a satisfactory housing layout for existing and future residents. Details of the proposed landscaping are considered to be acceptable. Impacts on trees are acceptable

With regard to ecological impacts, the development would have a neutral impact subject to mitigation with regard to birds/bats/reptiles. The ecologist is satisfied that the favourable conservation status of the newt is maintained. Additional ecological buffer planting off set for the loss of a small area of woodland

The drainage/flood risk implications for this proposed development are considered to be acceptable. Conditions already apply to the outline permission and do not need to be repeated.

The development would not have any significant impact upon the trees and hedgerows on this site above the items allowed to be removed by virtue of the approved landscape masterplan.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site. Residents will spend in the local economy

It is considered that the planning balance weighs in favour of this development.

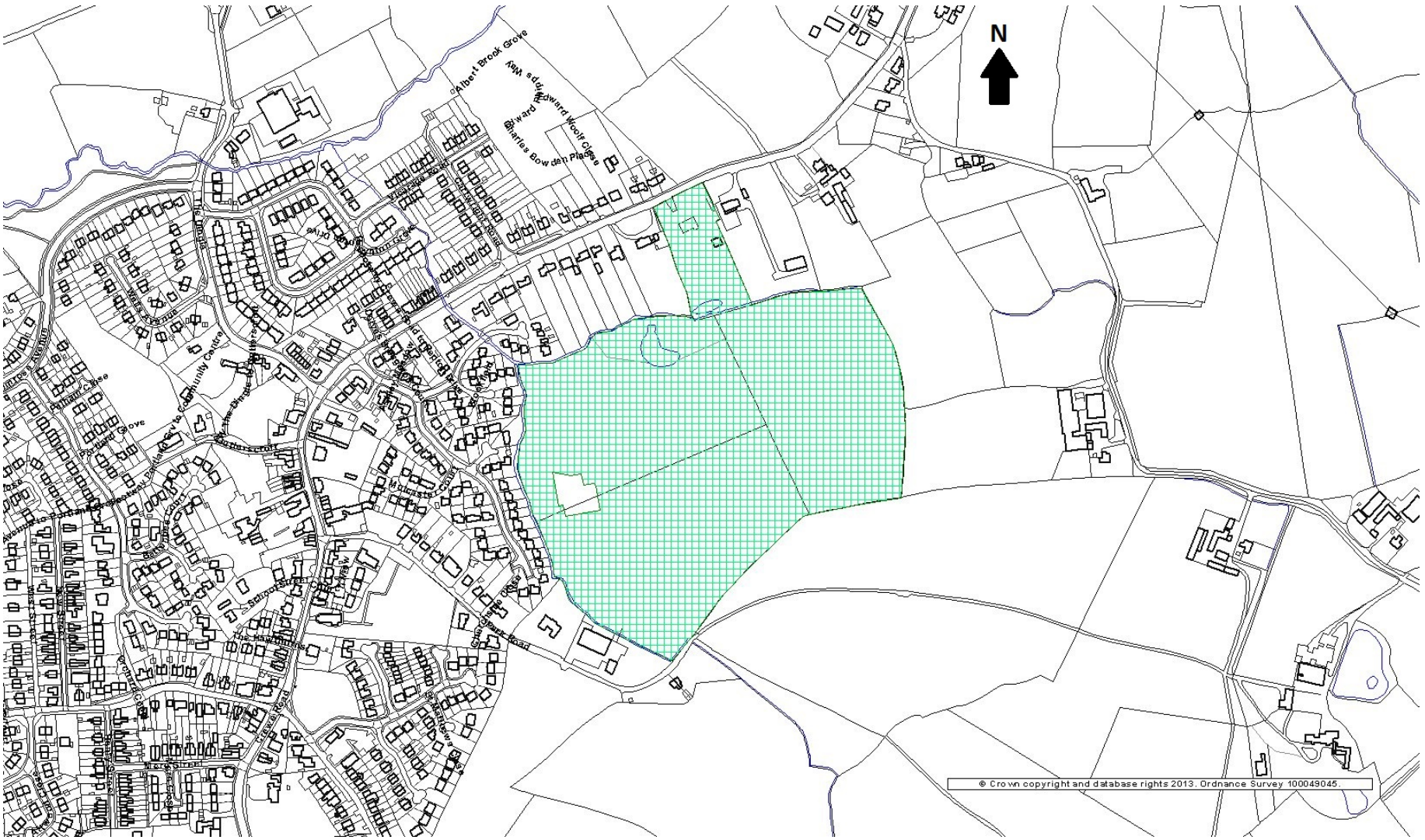
RECOMMENDATION:

Approve subject to the following conditions -

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. Materials as submitted**
- 4. Levels**
- 5. Boundary treatments**
- 6. Notwithstanding submitted LEAP plans and specifications, revised scheme of 12 pieces to be submitted and approved. Implementation**
- 7. Development to be undertaken in accordance with FRA. Properties to have FFL 600mm above flood level 59.76m AOD for the area of the development in Flood Zone 2**
- 8. The development shall be carried out in strict accordance with the submitted Tree Protection, Retention and Removal Plan (Drawing 03-081 Rev B dated 1/1/2016).**
- 9. Electric Vehicle Infrastructure details to be submitted for approval**
- 10. Updated badger survey**
- 11. Scheme to be undertaken in accordance in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy**
- 12. Bat and bird boxes**
- 13. PD removal – no wall front of building line/ open plan estate**

14. PD removal for Classes A-E (selected smaller plots/terraced and affordable/semi detached)
15. Parking spaces to be laid out prior to occupation of dwelling to which it relates
16. Garages to be retained and not converted into habitable accommodation
17. Phase II contamination report to be submitted and remediation recommendations implemented prior to occupation
18. The SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels.
19. The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. The seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.
20. The proposed development to proceed in accordance with the submitted draft great crested newt mitigation strategy unless varied by a subsequent Natural England license
21. Prior to commencement of development a scheme for a fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. shall be submitted. The access gate to be of sufficient size to allow access for management.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Strategic Planning Board to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 13/5242C

Location: Land off, Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

Proposal: Residential development comprising 138 dwellings, access and associated works (accompanied by an Environmental Statement).

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Feb-2015

SUMMARY

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply. It would provide a public open space facility for proposed and existing residents, and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses, as well as making a significant financial contribution towards infrastructure to enable the employment uses on Strategic Site CS24.

Balanced against this are the adverse impacts of the development including the loss of open countryside and the loss of agricultural land and the moderate landscape impact.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement.

The Secretary of State has received a request to intervene, therefore any resolution will be subject to the outcome of this process.

REASON FOR REPORT

The application is a major development which is accompanied by an Environmental Statement, and therefore requires a committee decision.

The application was deferred from the SPB meeting on 27 January 2016 for the following reason:

For officers to seek additional information relating to:

- *Costings of the bridge across wildlife corridor*
- *Affordable housing contributions*
- *Highways impact*

Given the length of time that has passed since the deferral, the whole report has been updated to reflect the current situation.

PROPOSAL

The application seeks full planning permission for 138 residential dwellings and an area of public open space.

SITE DESCRIPTION

The application site comprises grazed paddocks and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

16/1495D - Discharge of conditions 4, 5, 7, 8, 10, 11, 12, 13 & 14 on application 13/5239C – Not determined to date

16/1462D - Discharge of conditions 7, 8, 9, 11, 12, 15, 16, 18, 19, 20, 21, 22, 23, 26 on approval 12/4874C – Not determined to date

13/5239C - Reserved Matters following outline approval (12/4874C) for Residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 10.07.15

12/4874C - Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 20.11.14

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

Development Plan

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR16 (Footpath, Bridleway and Cycleway networks)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)

GR20 (Utilities infrastructure provision)

GR21 (Flood Prevention)

GR 22 (Open Space Provision)

NR1 (Trees and Woodland)

NR2 (Statutory Sites)

NR3 (Habitats)

NR4 (Non-statutory sites)

NR5 (Creation of habitats)

H1 (Provision of new housing development)

H6 (Residential development in the open countryside)

H13 (Affordable Housing and Low Cost Housing)

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
EG5 Promoting a town centre first approach to retail and commerce
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Sandbach Neighbourhood Development Plan (January 2016)

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water and contaminated land.

United Utilities - No objection subject to condition requiring submission of drainage details

Natural England – No objections

Environmental Health – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

Public Rights of Way – No objection subject to part extinguishment of right of way.

Head of Strategic Infrastructure - Traffic impact from this development, with the offered mitigation via the funding for the junction improvement is acceptable.

Housing Strategy & Needs Manager – No objections

ANSA (open space) – No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council – Object on the following grounds:

- Contrary to Policy GR18, the scale of traffic generated by development will worsen existing traffic problems to an unacceptable level
- Development proposals will generate significant travel needs and, in accordance with GR10iii a Transport Assessment is required.
- Members call for a full tree survey, in accordance with policy GR2ii.
- This is not a preferred site according to the emerging Local Plan.
- The development would have an unacceptable adverse impact on the Wildlife Corridor, thus contravening policy GR1.
- Members were greatly concerned about the accuracy of the documents provided. All plans failed to include a bungalow bordering the site, on Wrights Lane and, within the Design & Access Statement, under heading 'Landscaping' the text references a canal which Members are confident is not in existence.

OTHER REPRESENTATIONS

48 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Impact on highway safety
- Increased pollution
- Impact on nature conservation
- Disruption from traffic
- Increased congestion
- Impact upon trees
- Intrusion into open countryside
- Increased flood risk
- Out of character – dormer bungalows are characteristic of area
- Overlooking
- Impact on local amenities / infrastructure
- Urban sprawl
- Inadequate access

- Destroys public right of way
- Traffic assessment does not appropriately reflect the potential traffic impact
- Poor design
- Sustainable transport facilities in the site are inadequate
- Landscape boundary treatment need improving
- Principle of developing this land has not been accepted
- No mandate to approve a policy change to this tract of land from open countryside to housing
- Single access isolates the development and discourages integration with the existing community
- Site is severed from town centre
- Brownfield sites available
- Little weight can be afforded to the emerging core strategy and consequently NPPF
- Same house types used on persimmon site in Elworth indicating lack of choice and competition, contrary to NPPF
- Absence of two bed properties and properties for elderly looking to downsize
- Gross density figure of 24 dwellings per hectare is misleading. Net density is 43 dwellings per hectare
- Loss of agricultural land
- Wildlife corridor should be protected and enhanced
- Transport Assessment claims Heath Road to be capable of up to 750 Vehicle movements per hour however no evidence provided
- Traffic Survey carried out by residents would also indicate a lower capacity than 750 vehicles per hour
- Development should make a contribution to off-site measures to improve local travel on foot/by bike.
- Highways mitigation is inadequate – TA relies on unfunded schemes
- Transport assessment carried out at inappropriate time of year giving lower than normal traffic numbers
- TA should be run through VISSIM model
- Does not enable employment
- Air quality assessment flawed
- Damages prospects of local plan
- Already exceeded housing numbers in emerging local plan
- Transport Assessment disregards impact of additional 400 cars on the road

Two petitions signed by a total of 461 people have also been submitted objecting to the proposal on the following grounds:

- Speculative proposal creating an undesirable urban sprawl on land which does not meet the criteria for sustainable development
- Development is disproportionate for Sandbach Heath and is not based on any housing need evidence for Sandbach Heath.
- Number of proposed and approved houses will distort and harm the character of Sandbach Heath
- Access arrangements are poor
- Traffic generation and impact on local roads
- Ecological impact

- Design out of keeping
- Impact on living conditions of neighbours
- Inadequate education contributions
- Housing numbers already exceed planned numbers

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an Environmental Statement, an ecology assessment, a noise assessment, a contaminated land report, a transport assessment, a sustainability strategy, an arboricultural implications report, a design and access statement, an air quality assessment, a planning statement, a landscape and visual impact assessment, a flood risk assessment, an archaeology assessment, a consultation statement, an affordable housing statement and a viability assessment.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.
- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.
- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

APPRAISAL

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

Principle of Development

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

Emerging Policy

In terms of the emerging local plan the application site forms part of strategic site CS24, which extends from the M6 down to the existing residential development along Heath Road / Hawthorne Drive. The emerging policy seeks to deliver a mixed used development site with the main emphasis on providing an employment site, and with a small level of residential development which will help to enable improvements to access and infrastructure of the site.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of 20 hectares of employment land (Class B1 & B2).
2. The delivery of up to 450 new homes to support the delivery of the 20 hectares of employment land;
3. The provision of appropriate retail for local needs;
4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
5. The incorporation of Green Infrastructure, including:
 - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
 - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites; and
 - iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones and a management plan will be required for them.
- b. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- c. Provision for improved access off Old Mill Road and a new bridge across the Brook to access the employment land beyond.
- d. Contributions to education and health infrastructure
- e. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and

- enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- f. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
 - g. A desk based archaeological assessment will be required for this site.
 - h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
 - i. Provision of a landscaped buffer between the employment land and housing areas.

In total 282 dwellings have already been approved on Strategic Site CS24 (permissions 12/4874C and 12/3948C & 15/3531C) in recent years.

The residential element of planning permission 12/3948C will provide the improved access (enhanced roundabout) from Old Mill Road into the Strategic Site at a cost of approximately £1.5m. However, an additional significant piece of infrastructure is required to allow access to the remainder of the site, in the form of a bridge across the Brook within the wildlife corridor.

This bridge was initially costed at £2,280,000m, and therefore the funding of this is a significant issue that needs to be addressed in order to provide the necessary access for all of the 20 hectares of employment land proposed in the emerging local plan. However, Members required further confirmation on the costs of the bridge, as did the applicants. The applicant's in house Quantity Surveyor has since examined the bridge crossing and agrees that £2.28m is a reasonable cost towards the bridge.

The applicant has agreed to provide a financial contribution of £2,280,000 to enable the construction of the bridge, in accordance with Strategic Site policy CS24 of the emerging plan. The viability of the proposal is such that it would mean a reduction in affordable housing to 15%.

Sandbach Neighbourhood Development Plan (SNDP)

The SNDP was made on 12 April 2016

Policy PG6 (Spatial Distribution of Development) of the Cheshire East Local Plan Strategy Proposed Changes Version (2016) indicated that Sandbach should provide in the order of 2,750 new dwellings up to 2030. During the period 2010 to March 2015, 2,754 dwellings had already been approved. The emerging local plan requirement has therefore already been met for Sandbach as a whole. The SNDP seeks to promote further controlled housing growth in a more measured and incremental way, following this large scale rapid growth. Policy H1 of the SNDP states that, *Future growth to meet the housing requirement established in the Cheshire East Council Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Council Local Plan (Strategy and Allocations Documents) and windfalls.* If this current application is approved, it would bring the total numbers of dwellings with planning permission on site CS24 to 420, which is below the allocation of 450 in the emerging Local Plan.

Other policies relevant to the current proposal include:

Policy PC3 of the SNDP applies similar restrictions to development in the countryside to the Congleton Borough Local plan.

Policy PC4 seeks to protect and enhance areas of high ecological value and wildlife corridors.

Policy PC5 states that proposals will be expected to establish publicly accessible links from development sites to the wider footpath and cycleways network. In addition, proposals which lead to the loss or degradation of any public right of way will not be permitted other than in very special circumstances. PC5 also states that proposals to divert public rights of way should provide clear and demonstrable benefits to the wider community.

Policy H2 requires all new developments to meet high standards of design, in keeping with local areas and distinctiveness.

Policies H3, H4 and H5 seek to ensure that all housing is designed to meet the identified needs of the community in terms of type and need, it meets the needs of an ageing population, and it is in a preferred location.

Where there is a reasonable prospect of a site being used for its intended purpose policy JLE1 states that alternative uses will not be considered unless there is no demand for the intended use, or it is unviable. This policy also seeks to protect natural environmental assets, the highways network, and safe and sustainable access.

Policy IFT1 seeks to ensure that all new development is safe and accessible by a range of transport options.

Policy IFC1 states that any required contributions to community infrastructure will be made through planning obligations or in accordance with the most up to date funding mechanisms for developer contributions and infrastructure adopted by Cheshire East Council.

Policy CW3 requires new residential developments to address the provision of appropriate medical provision as part of the development proposal.

Policy CC1 states that new development proposals must demonstrate how design, construction, landform, layout, flood prevention methods, orientation and operation minimises the use of energy and clean water.

The proposed development of 138 houses, which supports the delivery of the remaining employment site identified in the emerging Cheshire East Local Plan, is considered to comply with the objectives of the above SNDP policies.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016, and the public consultation expired on 15 April 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

SOCIAL SUSTAINABILITY

Affordable Housing

The site lies within the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment update 2013. This showed a need of 94 affordable homes per annum for the period 2013/14 – 2017/18. This can be broken down to a requirement for 18x 1bd, 33x 2bd, 18x 3bd, 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation.

In addition to this information from Cheshire Homechoice, shows there are currently (September 2015) 280 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 114x 1bd, 103x 2bd, 43x 3bd and 12x 4+bd units. 8 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted and provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting).

The proposal initially offered 43 units (30% of 144) as affordable housing. However, as noted above, the affordable housing proposal is affected by the £2.28m financial contribution being made by the applicants to the bridge crossing. This reduces the affordable provision to 21 units (15% of 138 dwellings) provided as one and two bed units, which are appropriately pepper potted across the site.

Open Space

The Congleton Borough Council Interim Policy Note on "*POS Provision for New Residential Development*" 2008 requires adequate provision of (1) amenity greenspace (AGS) and (2) children's play provision. Other land typologies such as woodland/orchards, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they can be considered beneficial for the ecology, diversity, aesthetics and openness of the site.

Amenity Greenspace (AGS)

Having regard to the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 144 new dwellings will generate a need for 4680sqm new AGS. An amount of AGS is to be provided on site, however few details including size of

area or landscaping are available as it is proposed that landscaping be approved by way of a pre commencement condition. However the site layout does provide areas of open space well in excess of the amount required.

It should be noted however that it is not the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside any suggested adoptable area for the Council and if necessary consideration should be made for the open space to be transferred to a residents' management company or other competent body.

There are hedgerows along the boundaries including some mature oak trees, with a further street tree planting running in and around throughout the site. These areas including any additional buffer or enhancement planting should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications a residents' Management Company or other competent body would be required.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. ANSA confirms that as the development is over 75 dwellings then in accordance with policy, one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable, but this could be delivered in conjunction with the open space provision on the adjacent 50 unit scheme. Open space provision and management will be dealt with via the s106 agreement.

Education

The proposed development of 138 dwellings is expected to generate:

25 primary children (138 x 0.19 – 1 SEN)
20 secondary children (138 x 0.15 – 1 SEN)
2 SEN children (138 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond for secondary provision and 2018 and beyond for primary provision, in the immediate locality. Forecasts show that local primary schools would be able to accommodate 6 pupils, therefore creating a partial claim for contributions.

To alleviate forecast pressures in secondary schools within 3 miles of the development and primary schools within 2 miles, the following contributions would be required:

$19 \times £11,919 \times 0.91 = £206,079.51$ (primary)

$20 \times £17,959 \times 0.91 = £326,853.80$ (secondary)

$2 \times £50,000 \times 0.91 = £91,000$ (SEN)

Total education contribution: £623,933.31

Without a secured contribution of £623,933.31, Children's Services would raise an objection to this application. The objection would be on the grounds that the proposed development would have a detrimental impact upon local education provision. No objections are raised if the financial mitigation measure is agreed.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Air Quality

The development lies in the vicinity of the Sandbach (J17, M6) Air Quality Management Area, which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

There is concern that the cumulative impacts of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure. An Air Quality Impact Assessment (AQIA) has been submitted with the application and the Environmental Statement includes a chapter on air quality.

The submission considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements, and changes to local traffic flows. The model predicts that the proposed residential development will all be below the air quality objectives. This is accepted by Environmental Health.

Regarding existing receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all five receptors modelled. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedance of an air quality objective or the designation of an AQMA.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact of the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the traffic associated with the development.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Conditions relating to electric vehicle charging, travel planning and dust control are therefore recommended.

Noise

The applicant submitted further information in response to concerns raised by Environmental Health relating to the impact of traffic noise from the M6 and Old Mill Road upon the living conditions of future residents. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by traffic noise from the M6 and the A534.

The detailed mitigation measures were acceptable, but were specific to a previous version of the site plan, which has been amended through the course of the application. As such it will need to be updated to reflect the current layout, which could be dealt with by condition.

In summary the mitigation measures include:

- Protection of specified residential gardens by 1.8 metre-high close boarded fence.
- Trickle ventilation in bedrooms for specified properties
- Standard double glazing to be applied to all properties for all rooms unless specified otherwise.

Public Rights of Way

The Public Rights of Way Unit initially objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be affected by the proposed development. A new estate road is created on the line of the existing right of way. The applicant's intention was initially to divert the right of way along the new highway within the development. However, public rights of way cannot be diverted onto adopted highways; it would need to be an extinguishment rather than a diversion.

The applicants have since held discussions with the Council's Rights of Way officers regarding the most appropriate way to proceed in terms of the public right of way, and the conclusion is that an extinguishment order for part of FP14 Sandbach is the way forward. The following process would be followed:

- The footpath would be closed on a temporary basis when works on site begin.
- The developer will provide an alternative temporary path (to be agreed).
- The developer can begin the process of applying for the Extinguishment Order but must NOT build on or otherwise permanently obstruct the
- Once the estate road is adopted the Extinguishment Order can come into operation.

- The developer is aware that there is no guarantee that an Extinguishment Order will be successful, if the Council receive objections then the Order will be sent to the Planning Inspectorate for determination.

Using an estate road as an alternative to an extinguished path is not the preferred option. Ideally it a suitable diversion for the path though a landscaped area would be sought. Indeed the Rights of Way Circular (1/09) states:

“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”

However a diversion through a landscaped area is not readily achievable in this case, and given the relatively short length of extinguishment required, an estate road is considered to be acceptable in this case. The Rights of Way Unit raises no objection to the proposal provided the developer is agreeable to the above points and makes an application for an extinguishment order and provides a suitable temporary diversion.

The application documents refer to footpath connections from the site onto Daisybank Drive and Wright's Lane. The legal status of the proposed footpaths and footpath/cycleway within the site will require agreement with the Council as the Highway Authority. The developer will need to include the maintenance of these routes within the arrangements for the open space of the site. Appropriate signage will also be required both on and off-site for these new routes. The developer should also inform prospective residents with information about walking and cycling route options for both leisure and transport purposes as part of a travel plan.

Highways

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

The application is supported by a Transport Assessment in accordance with guidelines and this document complies with the structured approach required within the Department for Transport document: 'Guidance on Transport Assessments'.

Cheshire East Highway Authority have developed a micro-simulation traffic model for the A534 corridor through Sandbach and it was considered necessary for the developer's highway consultant to run the traffic generation figures for this development through the VISSIM traffic model in order to produce an accurate traffic impact figure against the model.

This is an industry recognised method for assessment of traffic impact and the results showed that there would be a significant local impact at the traffic signal junction of the A534 and The Hill and High Street. As a result of this assessment the developer's highway consultant has identified an improvement at this junction which will mitigate for the related traffic impact and has produced an estimate for the improvement which is offered to the Authority via a S.106 Agreement.

Transport Assessment and traffic generation.

The local highway network has been appropriately classified against guidance in the Design Manual for Roads and Bridges and this has identified that in terms of running capacity the local network has capacity to accept traffic generation from this development.

Visibility splays from the permitted development junction onto Hawthorne Drive are in accordance with Manual for Streets and this development proposal would issue traffic via this junction. Vehicle tracking for a refuse vehicle has also been identified and demonstrated to work for the site.

Sustainable links via new footpaths and a footpath/cycleway are offered to link to Daisybank Drive towards the town centre and the wider strategic site and back to the A534. This will offer good sustainable links to the local network and the surrounding infrastructure which leads back to the town centre.

The Head of Strategic Infrastructure is seeking contributions towards the improvement of local bus stops. The reasoning or justification of this is not clear, particularly given the proximity of the site to the town centre. Consequently, and particularly given the viability issues surrounding the development, such a contribution is not justified in this case.

The TA provides a TRICS assessment which demonstrates acceptable trip rates of 0.592 and 0.66 in the morning and evening peak traffic flow hours respectively. These trip rates have been used to determine the traffic generation from the site which is at its highest in the evening peak hour (17.00 – 18.00), showing 99 vehicles either leaving or entering the site throughout this hour. A multi-modal TRICS assessment has also been produced which shows the likely trips to and from the site via other more sustainable modes than the car and this will be supported by the provision of the new footpath links and cycleway mentioned earlier.

The site has sustainable credentials in terms of its proximity to local facilities.

The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

Junction Improvements

The TA recognises the Highway Authority's junction improvement proposals on the 534/A533 corridor and tests the signal junction improvements within the TA assessment. This junction is confirmed for treatment from this development through the VISSIM micro simulation model mentioned earlier in this report.

Local Junction Capacity

Junction analysis has been undertaken using the PICADY software package on an agreed list of local junctions and this demonstrates that the traffic generation from the site distributed via assessment under national census travel to work data will not place a burden on any of the local junctions such that there is a material increase in queuing.

The impact at local junctions is in fact negligible when tested via industry recognised methods and the only impact where mitigation has been identified to be necessary through the Highway Authority VISSIM model is at the signal junction at The Hill/A534.

Signal Junction at The Hill/A534/High Street Improvement

The TA examines the existing traffic conditions at this junction and with the development traffic impact at year of opening and the future year of 2021. In addition the TA examines this junction with the proposed junction improvement in place which shows that the improvement more than mitigates for the development impact.

This improvement will be funded by this development proposal should a permission be granted.

Conclusion on traffic impact

The identified traffic impact from this development is shown to have an acceptable level of impact on the local infrastructure except for the signal junction on the A534. Once traffic has been distributed through more than one junction on the major road network the impact from the development is diluted to the point where there is not a material impact.

The Head of Strategic Infrastructure accepts the identified mitigation from this development proposal in providing funding for the proposed signal junction improvement at the signals at the A534 junction with The Hill. This funding will be secured by a S106 agreement should a permission be granted.

Parking

Concern was initially raised by the Head of Strategic Infrastructure regarding the proposed level of parking provision. Both the TA and the application form state that there will be 200% parking provision however this fails to meet the recent 2013 parking standards for Cheshire East which are now attached to the emerging Local Plan. Revised plans have therefore been submitted to bring the proposal into line with the parking standards within the emerging local plan.

The Head of Strategic Infrastructure has raised some concern regarding the layout as originally proposed not adhering to Manual for Streets principles. Commentary on the proposed layout is provided in the layout and design section of the report.

Conclusion on parking and traffic impact

The traffic impact from this development, with the offered mitigation via the funding for the junction improvement is accepted by the Head of Strategic Infrastructure and the parking provision complies with the parking standards in the emerging local plan, subject to the receipt of an amended plan.

Highways Officers have reviewed the previous comments and concerns raised by Members at the SPB meeting in January. However they are satisfied that the proposed financial contribution of £100,000 to assist highway improvements at The Hill/A534 will mitigate for any adverse highway impacts.

Trees / landscape

Landscape

The site consists of agricultural land located along the north eastern part of Sandbach, just to the north of Hawthorne Drive. The application site is located to the north of existing residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14 Sandbach) traverses the site from Hawthorne Drive and crosses part of the site in a north easterly alignment, both sides of the footpath are fenced.

To the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a landscape and Visual assessment has been submitted, this has been based on Guidelines for Landscape and Visual Assessment (2002), 2nd edition, since the original assessment was carried out prior to the publication of the 3rd Edition Guidelines. The assessment identifies the National Character area, as well as the local landscape character type as identified in the Cheshire Landscape Character Assessment 2009, this identifies that the LFW2 Brereton Heath Character Area is a gently undulating landscape of a medium scale, that is predominantly medium scale agricultural land, but with woodlands that provide an important visual characteristic in the landscape. The landscape and visual assessment is accepted.

Although the application includes a planning layout that shows existing trees and woodland to be retained, it only shows indicative landscape proposals. Provided that the mitigation shown on the Site Layout Plan is retained within the scheme, and appropriately landscaped, the impacts can be mitigated. Landscaping conditions are therefore recommended.

Trees

There is a significant belt of woodland to the west of the site and some mature trees on the site boundaries. The Congleton Borough Council (Sandbach Heath) TPO 1989 protects a number of individual trees on/adjacent to the site. There are two established hedgerows on field boundaries running NW to SE and some lengths of vegetation on the boundaries with existing residential properties to the south west.

A number of amendments have been made to address issues raised by the Forestry Officer, particularly in relation to conflict of the development with root protection areas of trees and hedges. The Forestry Officer does still raise some concern regarding the proximity of plots 105, 106 and 107 to the protected tree to the south. However, the edge of the canopy of the tree is 9 metres from the rear elevations of these properties at its closest point, which is considered to be an acceptable separation distance, given the specific relationships. The proposed layout also retains the main lengths of hedgerow within and bordering the site.

Conditions requiring an arboricultural method statement and a construction management plan are recommended. Additional levels details can also be secured by condition.

Ecology

Sandbach Wildlife Corridor

The proposed development site is located adjacent to the Sandbach Wildlife Corridor as shown in the Congleton Borough Local Plan. One area of the wildlife corridor is located within the application boundary, this being a rectangular block of woodland in the northern corner of the site.

The submitted indicative layout plan shows the majority of the interface between the proposed development and wildlife corridor to be open space. In addition no development is shown within that part of the site which is within the wildlife corridor, however some houses are proposed adjacent to the boundary of the corridor in this location. An access road is proposed between the dwellings and the wildlife corridor, which is considered to provide an adequate buffer to the wildlife corridor from the presence of the housing (dumping of garden waste, introduction of non-native species etc.)

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. It is likely that the proposed development would result in the loss of a number of hedgerow sections. However there are likely to be a number of opportunities to incorporate suitable replacement hedgerows into the open space area, which can be dealt with through landscape conditions.

Badgers

No evidence of badgers was recorded during the submitted survey however badgers are known to occur in this broad locality. An updated survey was carried out in April 2014. The survey was carried out during a period when badgers are active; therefore signs of activity should be apparent. The main limitation to the survey was the dense nature of some small patches of bramble however it should be noted that no mammal tracks were observed going into these areas.

The survey found no setts or holes consistent with badgers on, or within 30m, of the site. No dung pits, latrines, hairs or tracks, were observed. No evidence of badgers was recorded; therefore there badgers do not present a constraint upon the proposed development.

Marshy Grassland

Two areas of marshy grassland are present on this site. These are likely to be of some localised nature conservation value. The loss of these habitats could be compensated for through the SUDS scheme associated with the proposed development.

General nature conservation value / offsetting

With the exception of the woodland, hedgerows and marshy grassland the habitats on site are of low value. However, the development of this site may potentially lead to an overall loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity.

It was recommended by the nature conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The developed area of the site is approximately 3.3ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (3.3ha x £17,298 cost per ha) = £57,083.40 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 3.3ha x £4,946 (cost per ha) = £16,321.80 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £73,405.20.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore a sum of £24,500 has been agreed with the applicant. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

Non-native invasive species

Himalayan Balsam a non-native invasive plant species has been recorded on site. If planning consent is granted the nature conservation officer recommends that a condition be attached requiring the applicant to submit a method statement for the eradication of Himalayan Balsam from the site.

Layout & Design

Hawthorne Drive is characterised by bungalows and dormer bungalows, which share the southern boundary of the application site. Heath Road also comprises some bungalows but also a wide range of terraced, semi-detached and detached two-storey properties. Wrights Lane also has a mix of bungalows and two-storey dwellings.

The proposed dwellings are all either 2 or 2.5 storeys high. There are examples within the local area of two-storey properties sitting alongside bungalows or dormer bungalows as would be the case with the proposed two storey properties to the rear of the existing bungalows on Wrights Lane. This arrangement would not therefore be out of keeping with the character of the area.

Similarly, whilst the specific design and detailing of the individual housing is relatively generic, it has to be noted that the surrounding area does not provide strong design lead, and as such the design of the properties cannot be considered to be unduly out of keeping or harmful to the character of the area.

The site will have a single means of access serving the proposed development and the approved 50 dwelling scheme. However in addition to this there will be a pedestrian link to the north to the remainder of Strategic site CS24 (in the emerging local plan), together with the option of a vehicular access through to this adjacent site. FP14 Sandbach will provide pedestrian access through to Hawthorn Drive, and an additional path will connect through to

Daisybank Drive (and towards the town centre). The proposal will sit comfortably with and connect to the approved 50 unit scheme.

The proposal provides a large area of open space and children's play facilities. The location of the site close to Sandbach Town Centre will give residents good access to a range of facilities and services, including public transport.

Policy SC4 of the emerging local plan states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In this case, the proposal provides a variety of tenures and designs ranging from 1 to 4 bed properties.

The development retains a central hedge line for the most part, with a single break in the hedge only to allow access through. Aspects of the layout are interesting and offer opportunity in relation to creating distinctive interrelationships between spaces and buildings. At the western side of the application site the semi-circular arrangement toward the green space could be a very distinctive area of the site

There are areas where the distinctiveness does weaken slightly, such as the long street to the north of the site. However, this can be enhanced with appropriate landscaping, which breaks down the impact of the frontage parking, and maximises the potential for terminating views of the woodland to west. Although tree planting is shown in parts, this could be further reinforced both with additional trees and other landscaping, not least hedging, to create smaller/landscaped groups of parallel parking.

Subject to appropriate landscaping and materials, the proposal is considered to comply with the objectives of policies GR1, GR2 and GR3 of the Congleton Borough Local Plan.

Flooding

The site lies predominately within Flood Zone 1; however, a small section of the north-western boundary is shown to be located in Flood Zone 3 and Flood Zone 2. It is acknowledged that no built development is proposed within this area of the site.

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

In addition, the Environment Agency recommends conditions relating to contaminated land in order to prevent the pollution of controlled waters from potential contamination on site.

Archaeology

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has

examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

Contaminated land

A condition is recommended requiring a further phase II contaminated land investigation for the following reasons:

- The application area has a history of landfill and agricultural use and therefore the land may be contaminated.
- This site located upon a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required.

ECONOMIC SUSTAINABILITY

Agricultural Land

The Framework states that:

"Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality."

The site comprises mainly grade 2 (very good quality) and grade 3a (good quality) agricultural land, with smaller areas of grade 4 (poor quality)

This land has been allocated for development within the emerging local plan documents and is identified as a future development site for this part of the Borough in the Local Plan Strategy Proposed Changes Version. Having regard to this, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

This land quality grade is relatively high on the land quality spectrum; however other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site. The site is relatively small and there will be a negligible effect on agriculture from the loss of this isolated piece of good quality agricultural land. For these reasons the loss of agricultural land is considered to be acceptable in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, to secure the following:

- Education contributions of 206,079 (primary), £326,853 (secondary) and £91,000 (SEN)
- Financial contribution of £2,280,000 towards infrastructure (bridge) on Strategic Site CS24 to enable the delivery of employment uses.
- Open space provision and management arrangements.
- Financial contribution of £100,000 for highways improvements
- Provision, phasing and tenure of 15% affordable housing
- The payment of £24,500 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space provision, financial contribution towards highways improvements and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary schools within the catchment area which are cumulatively over subscribed. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

Similarly, the contribution towards infrastructure is considered to be necessary, fair and reasonable as it enables the delivery of employment uses on the remaining part of Strategic Site CS24 in accordance with the objectives of the emerging local plan.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide a public open space facility for proposed and existing residents.
- The development would provide significant contributions towards infrastructure to enable the delivery of employment uses on adjacent land.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, therefore, any resolution will be subject to the outcome of this process.

RECOMMENDATION

The application is recommended for approval and the outcome of the referral to the Secretary of State.

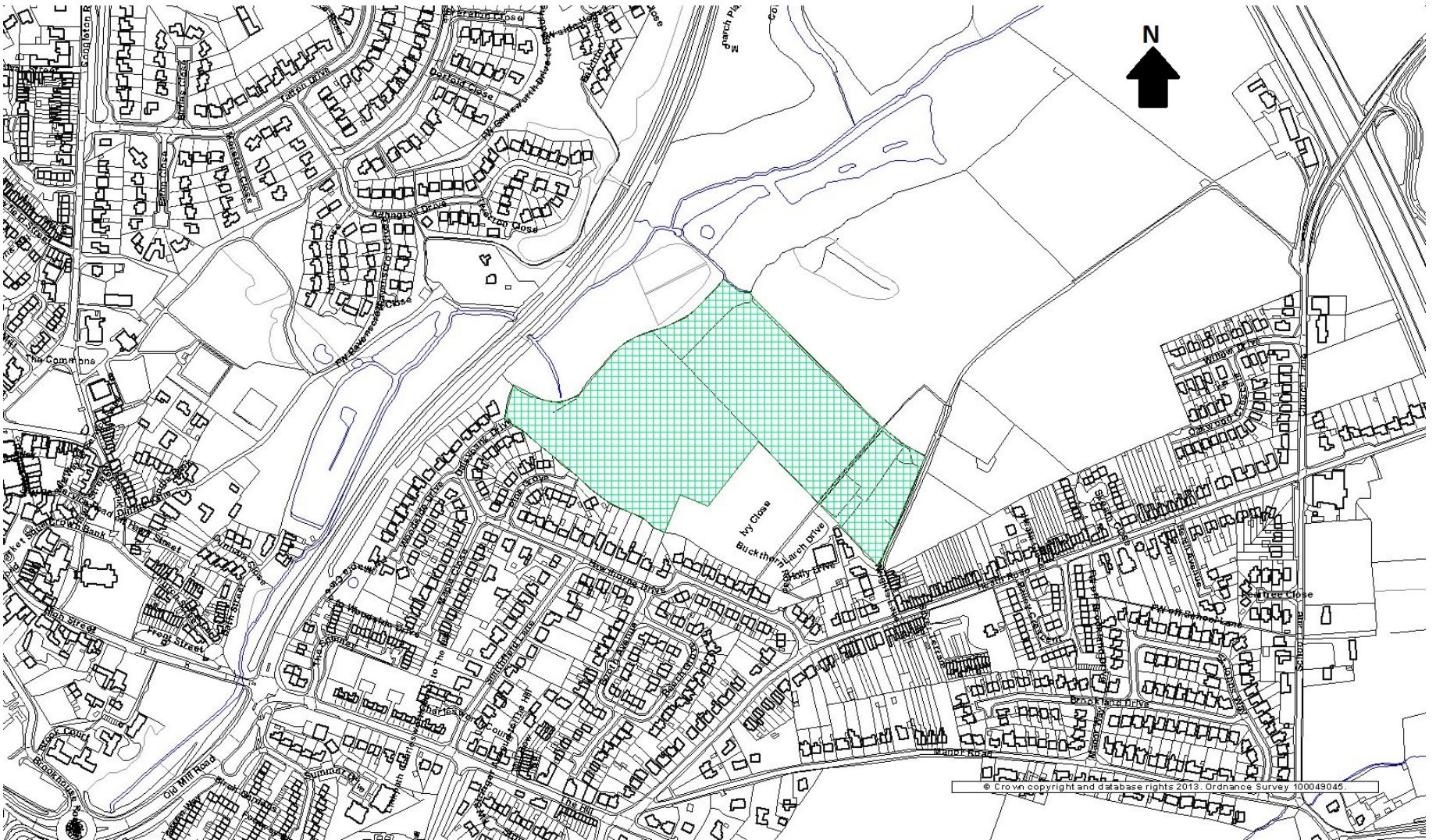
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Pile Driving details to be submitted
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Environmental Management Plan to be submitted
7. Travel plan to be submitted
8. Electric vehicle charging points to be provided
9. Phase II investigation including gas monitoring and assessment to be submitted
10. Noise mitigation scheme to be submitted
11. Detailed suite of design and construction plans for the internal road infrastructure to be submitted
12. Arboricultural method statement to be submitted
13. Construction management plan (trees) to be submitted
14. Method statement for the eradication of Himalayan Balsam
15. Provision for roosting bats and breeding birds to be submitted
16. Foul and surface water drainage details to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water to be submitted

18. Written scheme of archaeological investigation to be submitted



Application No: 16/1131N

Location: ERECTION OF 120 DWELLINGS AND ALL ASSOCI, LAND TO THE WEST OF AUDLEM ROAD, AUDLEM ROAD, AUDLEM, CHESHIRE, CH3 OHE

Proposal: APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF OUTLINE PERMISSION FOR UP TO 120 DWELLINGS (APPEAL REF - APP/R0660/A/13/2204723)

Applicant: ANWYL CONSTRUCTION CO LTD

Expiry Date: 14-Jun-2016

Summary

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable and would be a benefit to this scheme.

Environmental Sustainability

Details of the proposed landscaping would be secured through the imposition of a planning condition.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout is considered to be acceptable. The amended plans show that there will be sufficient

parking provision on this site.

There is no objection to this development in terms of the impact upon the trees on the site.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

PROPOSAL

This is a reserved matters application for 120 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be taken from Audlem Road to the east of the site. The access point was approved as part of outline application 13/2224N.

The development would consist of 2 to 5 bedroom units. The development would consist of the following mix:

- 18 x two bed units
- 33 x three bed units
- 69 x four bed units

SITE DESCRIPTION:

The proposed site is agricultural land comprising three pastoral fields, situated on the northern edge of the village of Audlem. A native hedgerow and a group of mature trees within the hedgerow, define the boundary between the two larger fields. The eastern edge of the site is defined by a low native hedgerow with occasional mature trees which runs alongside Audlem Road.

To the south of the site eight mid-twentieth century red brick semi-detached houses at Daisy Bank Crescent back towards the site at varying orientations. A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site.

RELEVANT HISTORY:

13/3746N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works. (Resubmission) – Refused 6th March 2014

13/2224N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works – Appeal against non-determination – Appeal Allowed 7th January 2015

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside.

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Audlem Neighbourhood Plan

The Audlem Neighbourhood plan was made on 12th April 2016 and the following policies are relevant to this application;

H1 – Number of New Homes
H2 – Redevelopment of Infill Land and Brownfield Land
H3 – Scale of New Development
H4 – Size of Homes
H5 – Type of Homes
H6 – Affordable Housing
H7 – Tenancy Mix
D1 – Character and Quality
D2 – Size and Space
D3 – Position and Topography
D7 – Efficiency and Sustainability
D8 – Retaining Green Space and Encouraging Nature Conservation
D9 – Planting
D10 – Drainage
D11 – Residential Parking
D12 – Road Widths
D13 – Safe Access
D14 – Storage Space

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS:

ANSA (Public Open Space): No comments received

United Utilities: No comments received

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

CEC PROW: The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.

Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use or segregated infrastructure, accessibility and natural surveillance. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

CEC Head of Strategic Infrastructure: No objection

CEC Strategic Housing Manager: No objection

Cheshire Fire and Rescue: Access and facilities for the fire service should be in accordance with the Building Regulations 2010. In order that fire hydrant requirements can be assessed details

VIEWS OF THE PARISH/TOWN COUNCIL:

Audlem Parish Council: The following issues remain unaddressed on the submitted plans and the Parish Council objects to the application on the following grounds;

- Policy H4 (Size of Homes) favours small dwellings. No viability report or other material considerations have been submitted in line with this policy.
- Policy H5 (Type of Homes) requires that there should be a limit of one-third detached dwellings. The revised plans include 3 and four bedroom detached properties and no bungalows. No viability report or other material considerations have been submitted in line with this policy.
- Policy D2 (Size and Space) – it is not clear that the DCLG's Housing Standards are met in the semi-detached dwellings and four bedroom Abersoch house type. The plans do not meet the ANP policy requirement.
- Policy D11 (Residential Parking) the revised plans fail to provide adequate parking for the two bedroom properties. 14 two-bedroom house types do not have the required parking provision. This is not compliant with the ANP or the Cheshire East parking requirements.
- Policy D13 (Safe Access) this aspect has been subject of an earlier letter of complaint about the inaccuracy of information by the Highways Department

REPRESENTATIONS:

Letters of objection have been received from 4 local households raising the following points;

- At what point does Audlem reach capacity

- Audlem is slowly transforming into a town
- Additional burden on emergency services
- Visual impact of the development
- Light pollution
- Impact upon village amenities (shops, public houses and parking)
- Noise and disturbance during the construction phase
- Loss of property value
- The road widths of the development do not comply with the Audlem Neighbourhood Plan
- Flooding from the development
- Sewage infrastructure is at capacity
- The scale of development is contrary to the Audlem NP
- Audlem PC and Cheshire East have previously rejected this housing development
- The medical centre needs expanding
- Loss of outlook
- Loss of privacy
- Increased traffic congestion in Audlem village
- Lack of landscaping to soften the development
- No details of the proposed boundary treatment
- The development is contrary to the Audlem NP
- It is not clear whether the interface distances will be met
- No sympathetic screening is provided to the existing properties
- The amended plans do not clearly indicate what changes have been made as part of this application
- The application does not respond to the needs of the local community

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/2224N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Housing Mix

Paragraph 50 of the Framework sets out that Councils should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- 18 x two bed units
- 33 x three bed units
- 69 x four bed units

Policy H4 of the ANP states that new development should favour *'smaller dwellings, so meeting the needs of Audlem, unless an independent viability study, or other material considerations, show a robust justification for a different mix'*.

In this case there would be 40.8% of dwellings on the development would have 2 or 3 bedrooms and 59.2% would be have 4 bedrooms.

The applicant has also stated that the 4 bedroom Abersoch house type would measures 1069sqft which is the same as the 3 bedroom Ewloe house type and as such this unit should be classed as a smaller compact/starter home with all other 4 bedroom units measuring from 1229sqft – 1812sqft. The applicants state that this would mean that 46% of the dwellings would be compact starter homes (2-3 bedrooms and the 4 bedroom Abersoch) with 54% as family homes (all 4 bed units above 1069sqft).

As condition 1 of the outline approval requires that the reserved matters shall follow the general parameters and broad design/layout concepts as set out in the Design and Access Statement. In terms of the mix the D & A Statement states that the development will provide *'for a broad mix of dwellings and house types, ranging from 2-5 bedroom units'* and that *'the development will comprise a mix of dwelling types. The main objective is for the development to offer a range of accommodation with a choice of houses to provide for single occupancy and family accommodation'*. The housing mix as part of this application would clearly comply with the Design and Access Statement submitted as part of the outline application and on this basis any conflict with Policy H4 cannot be used as a basis to refuse the application.

Policy H5 of the ANP states that to redress the imbalance of the current housing stock and ensure a full mix of housing the majority of new homes on developments of 3 or more should be limited to one-third detached properties, the rest being bungalows, terraced or semi-detached, unless viability or other material considerations show a robust justification for a different mix.

In relation to this issue and condition 1 of the outline consent the Design and Access Statement approved as part of the outline application states that the development will comprise *'a range of house types from linked townhouses to detached properties'*. The Design Principles then defines that two areas of the site (The Main Street and The Lanes). 'The Main Street' provides the principal access spine through the centre of the site which links to 'The Lanes'. The Design and Access Statement then goes onto state that 'The Lanes' will *'typically be detached and link detached dwellings'*.

This Reserved Matters application will need to comply with condition 1 of the outline consent and the Design and Access Statement. It is considered that the Design and Access Statement provides a clear emphasis towards detached dwellings and as such any conflict with Policy H5 could not be used against this Reserved Matters application.

In terms of Policy D2 (Size and Space) a statement has been requested from the applicant to confirm compliance with the Technical Housing Standards – Nationally Described Space Standard. This information has been provided by the applicant and the results can be found using within the table below;

Size	Name	Beds	Proposed Sqft	Required Sqft (THS)	Percentage Compliance
Smaller	Monmouth	2	684	753	91%
	Carmarthen	3	804	904	89%
	Clwyd	3	956	904	106%
	Portmadog	3	1017	1001	102%
	Ewloe	3	1069	1001	107%
	Abersoch	4	1069	1044	102%
	Bala	4	1229	1044	118%
	Meliden	4	1311	1140	115%
	Glyn	4	1415	1140	124%
	Brecon	4	1501	1335	112%
	Beaumaris	4	1551	1335	116%
Larger	Llandrillo	4	1812	1335	135%
Overall percentage of compliance					110%

As can be seen there are two house types which do not comply with Policy D2 – the Monmouth (18 units) and the Carmarthen (5 units). In this case the developer has an agreement with a Registered Provider (RP) to deliver the affordable units on this site on the basis of the house types shown on the submitted plan. It is accepted that there is a conflict with Policy D2 but given the recent difficulties within the Borough in terms of finding RP's to take affordable housing it is considered that this issue should be given greater weight than Policy D2 and the as such the size of the units is considered to be acceptable.

Affordable Housing

The outline application controls affordable housing provision on the site as part of condition 13. This states that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

This is a proposed development of 120 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 36 dwellings to be provided as affordable dwellings (23 units should be rented with 13 units as intermediate tenure).

For the purpose of the SHMA the site is located in the Audlem sub-area which identified a requirement for 32 new affordable homes per year between 2013/14 – 2017/18. This is made up of 4 x one bed, 8 x three beds, 6 x four beds and 14 x one bed older person dwellings.

In addition to this information Cheshire Homechoice currently shows a demand of 5 x one bed, 8 x two beds and 4 x three beds.

The plan makes reference to affordable housing but it does not show which units are to be for Affordable Rent and Intermediate Tenure. The condition on the tenure mix from the outline appeal decision will have to be discharged prior to commencement of the site

The provision of 1 bedroom housing is not included within the submitted layout. The SHMA 2013 and Cheshire Home Choice Register clearly show a need for 1 bedroom accommodation for both General Needs and for Older Persons. This can be via easy access flats, bungalows or Lifetime homes.

However in this case the developer has provided evidence to show that the only Registered Provider who is interested in the site has reservations on having 1 bedroom and older person's accommodation on this site due to the single room rate and the sustainability for older persons accommodation.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with five areas of the site. The affordable layout is considered to be acceptable on this site.

Highways Implications

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application. The outline application also includes the improvements to the nearby bus stop, the addition of a '*ghost island*' right turn lane, extension of the speed limit and other traffic management measures. The Parish Council comments in relation to the access and ANP Policy D13 are noted but in this case the access point has already been approved.

In this case the Councils Highways Officer has considered the internal layout of the development and an amended plan has been received to increase the parking provision on the site.

The parking provision largely complies with the Councils standards (apart from plots 30, 88 and 89 which would be 1 space short of the requirement) and there is no objection to the development from the Councils Head of Strategic Infrastructure. In this case there would be non-allocated visitor parking within the site and the parking provision across the whole site would comply ANP Policy D11 which states that '*Where appropriate to the layout of the development of 2 or more*

properties parking may be provided by allocated spaces that are not immediately adjacent to the house'.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

In this case the nearest property to the development would be the dwelling at No 1 Little Heath Barns to the south of the application site. This dwelling includes two secondary windows and 1 door to its side elevation facing the application site. In this case the proposed dwelling on plot 16 would be sited 8.7m to the north of 1 Little Heath Barns with a blank elevation facing the site. This relationship and the separation distances are appropriate between two non-principal elevations.

To the north-west of No 1 Little Heath Barns is the proposed dwelling at Plot 20 which would be sited over 25m away and off-set so that it does not directly face No 1 Little Heath Barns. Again this relationship is considered to be acceptable and exceeds the separation distances required in the SPD.

To the south of the site are the dwellings which front Daisy Bank Crescent and the dwellings on plots 29-38 would have rear elevations facing the existing dwellings. In this case there would be a separation distance of between 28m and 35m from the existing dwellings to those proposed. This relationship is considered to be acceptable and exceeds the separation distances required in the SPD.

Further to the south there would be a separation distance of 21 metres between the side elevation of plot 38 and the nearest elevation of The Mews. This relationship is considered to be acceptable and exceeds the separation distances required in the SPD.

The separation distances that would be provided as part of this application would meet the requirements contained within the SPD and as a result would be acceptable.

Light pollution

An external lighting scheme will be controlled as part of the planning conditions.

Noise

A condition to secure noise mitigation was suggested as part of the appeal. However in this case the Inspector concluded that the condition was not necessary in this edge of village location.

Air Quality

A Travel Plan has been conditioned as part of the outline approval on this site (condition 14).

Contaminated Land

A contaminated land condition has been included as part of the outline approval on this site (condition 5).

Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 10).

Trees

Selected individual trees within the application site are protected by the Cheshire East Borough Council (Audlem - Land west of Audlem Road) Tree Preservation Order 2015, the majority of which have been identified as mature Oak which are prominent features within the local landscape (three TPO trees are located along the northern boundary of the site, 1 is located along the western boundary and 1 is located at the centre of the site).

At outline application stage the Councils Tree Officer comments raised concern over the Illustrated Site Layout and whether the number of dwellings that could be accommodated without harm to retained trees.

The submitted plan provides for the retention of existing retained trees either within public open space or within gardens which allows sufficient space for private garden amenities and an acceptable relationship/social proximity to dwellings.

There is some slight intrusion within the Root Protection Area (RPA) of a protected Oak to the north east of the site (T1 of the TPO/T2 of the Tree Survey) as a consequence of the turning head opposite Plot 5. However the Councils Tree Officer is reasonably satisfied that given the species tolerability and trees vitality the minor intrusion (which will require supervised root pruning as indicated in the submitted Arboricultural Method Statement) will not materially impact upon the trees long term health and safe well being.

Accordingly there are no objections in terms of the impact upon trees.

Landscape

As part of the application a Landscape Masterplan, Planting Schedule, Softworks Specifications and Landscape Sections were submitted as part of the original design and layout. These details were considered to be acceptable by the Councils Landscape Architect.

However as the layout of the development has been altered there will be a requirement to up-date the landscape details. This can be controlled through the imposition of a planning condition.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the design and layout of the scheme has been subject to negotiations with the applicant and the Councils Urban Design Officer.

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 21 dwellings per hectare is appropriate due to the location of the village on the edge of the settlement.

All of the proposed units would be two-storey in height. The height of the development is consistent with the surrounding dwellings in this part of Audlem.

The layout plan includes a large amount of open space in two main areas (one large area to the centre of the site and one smaller area to the north-west corner of the site). The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

In terms of the detailed design the proposed dwellings include canopies, projecting gables, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Audlem.

Ecology

Hedgerows

As anticipated at the outline stage, much of the existing hedgerows would be retained as part of the development of this site. The landscape proposals include the creation of some additional hedgerows and the gapping up of the existing hedges.

To ensure that the opportunities for hedgerow creation are maximised the Hedgerow proposed around the open space area should be mixed native species hedgerow rather than beech. This will be controlled as part of the landscaping conditions.

Public Open Space

The amount of open space required as part of this development is 4,200sq.m and the proposed development would easily exceed the required level of POS with the submitted plans showing an area of approximately 10,000sq.m. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a NEAP (with at least 6 pieces of equipment) and this would be provided within the site. Details of the play equipment will be secured as part of the agreed UU before the development commences.

Education

This issue of education capacity was dealt with as part of the outline application and the inspector did not consider that the proposed contribution of £261,483 was CIL compliant. Consequently she did not take this aspect of the UU into account when she issued her decision.

On this basis the impact upon education is considered to be acceptable.

Health Provision

This issue of health infrastructure capacity was dealt with as part of the outline application and the inspector did not consider that the proposed contribution of £116,288 was CIL compliant. Consequently she did not take this aspect of the UU into account when she issued her decision.

On this basis the impact upon healthcare provision is considered to be acceptable.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

In this case the flood risk and drainage implications were considered by the Inspector as part of the approval of the outline application on this site. As part of her decision the Inspector stated that;

'A condition relating to surface and foul water drainage, including run-off and flooding is also deemed necessary to ensure adequate arrangements are in place to respond to local concerns and for the avoidance of doubt'

In this case the Inspector determined that the development could adequately mitigate any flood risk impacts and this is controlled through the imposition of a planning condition attached to the outline consent.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable and would be a benefit to this scheme.

Environmental Sustainability

Details of the proposed landscaping would be secured through the imposition of a planning condition.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout is considered to be acceptable. The amended plans show that there will be sufficient parking provision on this site.

There is no objection to this development in terms of the impact upon the trees on the site.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

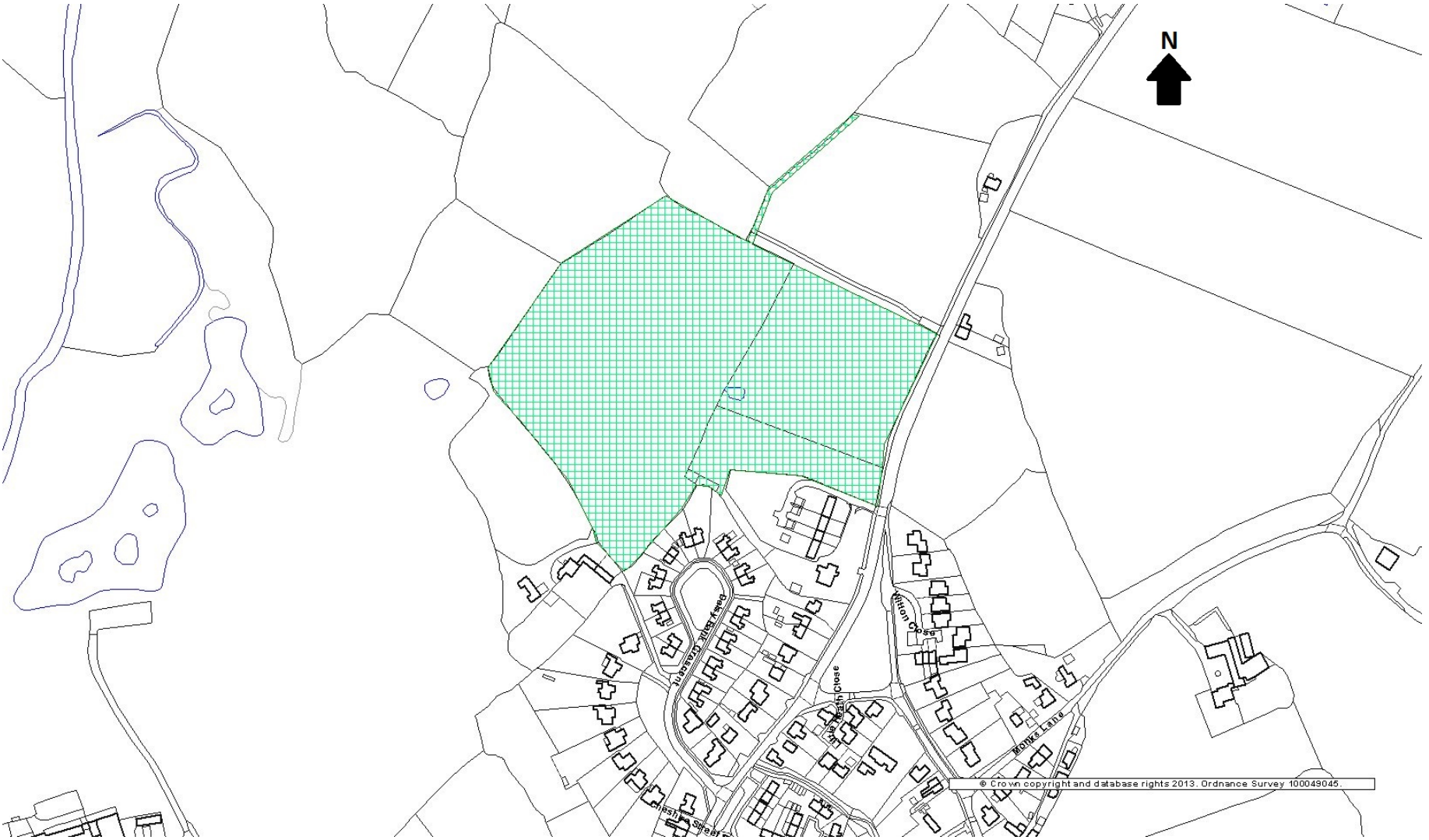
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Lighting Details to be submitted and approved**
- 3. Submission of a landscaping scheme**
- 4. Implementation of the approved landscape scheme**
- 5. Boundary Treatment details to be submitted for approval**
- 6. Materials to be submitted and approved**
- 7. Details of the proposed NEAP to be submitted and approved**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 19 October 2016
Report of: Sean Hannaby – Director of Planning & Sustainable Development
Title: Proposal of a Local Development Order (LDO) at Reaseheath College

Summary

The proposed LDO at Reaseheath College is fully endorsed by the Department for Environment, Food and Rural Affairs (DEFRA) and represents a sustainable form of future development for the College as well as further enhancement and support of the rural economy.

The LDO has been promoted by Spatial Planning and Economic Development in partnership with Reaseheath College. The proposals have also been fully consulted on through a formal Public Consultation exercise and direct engagement with Statutory Consultees, none of which have raised any objections to the proposals.

The proposed LDO will be 'live' for 15 years, however a review period will be initiated in years 5 and 10 where progress on the LDO will be looked at and proposed boundaries reviewed in detail where necessary.

RECOMMENDATION

Approve the LDO with conditions

CONTEXT

During March 2015, Cheshire East was successful in their bid for funding to DEFRA; £50,000 was awarded to assist in the preparation of an Local Development Order (LDO), formally a Food Enterprise Zone (FEZ) at the College location. The award of funding was to cover the costs of producing the detailed information required to prepare an LDO (mostly technical advice and survey work) as well as to facilitate key stages including Public Consultation and related exercises.

LDOs are ordinarily made by Local Planning Authorities (LPAs) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make separate planning applications to a LPA. They create certainty and save time and money for those involved in the planning

process. The primary function of an LDO is to accelerate delivery of much needed development. In this case it is in line with the continued development and expansion of Reaseheath College and continued support by the Council of this facility.

The purpose of the LDO is to provide confidence in the proposed developments and attract the necessary investment, building on the success of Reaseheath College to date. This in turn has a number of strategic implications for the wider borough as well as wider economic benefits:

- It will help to increase local employment opportunities and investment in the area;
- It will assist in the creation of employment opportunities and the retention of graduates from Reaseheath College and nearby FE / HE institutions;
- It seeks to reduce the time and costs associated with the planning application process and increase certainty for the development of sites;
- Collate and summarise baseline site information to provide upfront information on development considerations and constraints; and
- Contribute to a strategic approach to planning for key employment sites.

SITE DESCRIPTION

Reaseheath College is one of the leading specialist land based colleges in the UK. Located on the outskirts of Nantwich in Cheshire, the College sits amongst some 272 hectares comprising farms, parklands, woodland and numerous sports facilities. Reaseheath's growth is being supported by a £40 million plus capital investment programme, the site has seen a number of new buildings opened since 2009, this includes the following:

- A learning resource centre;
- State of the art IT centre;
- A cutting edge £4 million animal management teaching centre;
- Purpose built construction trades workshop;
- £2.3 million upgrade of equine facilities, including an world class indoor riding arena and round pen for natural horsemanship;
- £7 million food innovation centre; and
- A £3 million investment into the existing commercial working college farm.

Reaseheath College has continued to expand over recent years and has a number of aspirational projects which they are seeking to deliver through the remit of the LDO, once adopted.

PROPOSAL

The proposed LDO is primarily aimed at enhancing food and farming uses within the current Reaseheath College Campus and its adjacent owned land. It identifies 6 sites with the potential for future development (see Appendix 1) and subsequently each of the six sites has particular uses proposed and development will be permitted under the LDO for the land uses in the Use Classes Order 1987 (amended) shown in the table below:

LDO Site ref.	Function	Maximum Floorspace	Use Class
Site 1	Teaching and Workspace for specialist engineering workshop / teaching facilities.	2,500 sq.m	D1 (education and training)
Site 2	Centre Point Extension to extend the College's Higher Education Centre and forming a multi-purpose employer hub to	600 sq.m	D1 (education and training)

LDO Site ref.	Function	Maximum Floorspace	Use Class
	encourage engagement with employers.		
Site 3	Sport Science and Performance Academy to provide year round sports facilities including sports science and performance labs. Including provision to demolish the existing pavilion on site.	1,850 sq.m	D1 (education and training) and D2 (assembly and leisure)
Site 4	Extension to teaching space to provide new teaching accommodation for vet nursing, small animal and equine students. Includes provision to relocate the kennels on the site.	450 sq.m	D1 (education and training)
Site 5	Extension to Engineering Shed comprising an enclosure to outside storage area as an extension to existing workshops adjacent.	200 sq.m	D1 (education and training)
Site 6	Employment Hub on a 1.5 ha site comprising new commercial floorspace together with a new access road from the A51 to the north and other site infrastructure.	5,800 sq.m	B1 (business), B2 (general industrial) and B8 (storage and distribution)

SUPPORTING EVIDENCE BASE TO THE LDO

LDOs are subject to the same technical scrutiny of planning applications, as a result of this process the Local Planning Authority (LPA) is fully satisfied of the suitability of this area for the proposed development and its future sustainability.

The LDO has drawn on the comprehensive technical studies previously completed by Reaseheath College in support of other recent developments on the Campus and a range of surveys and studies completed by developers promoting the adjacent Kingsley Fields urban extension where these have extended into the proposed LDO area. The critical supporting evidence is set out in the following documents:

- Transport Assessment and Travel Plan prepared by SCP (July 2016);
- Ecological Assessment & related appendices prepared by Reaseheath College (July 2016);
- Tree Survey prepared by Reaseheath College (July 2016);
- Heritage Impact Assessment (HIA) prepared by Cass Associates (July 2016);
- Design Statement incorporating landscape solutions prepared by e*Scape (October 2016); and
- Flood Risk Assessment & Drainage Strategy prepare by SCP (March 2016).

In the case of the proposed LDO, the prepared Design Statement provides detailed information on the type of development that is deemed acceptable and gives particular reference to the appropriate scale and mass, access and movement, materials and appearance and landscape solutions for each of the sites. This document seeks to guide development and it will be ensured that when detailed proposals come forward for each of these sites they **must** comply with the published Design Statement (October 2016) in their entirety.

RELEVANT HISTORY and CONSTRAINTS

There have been well over 30 individual planning applications within the College grounds since 2006 covering a wide range of minor alterations and major additions to College facilities and teaching space all of which have been consented. The most significant applications to date include:

Planning Application Reference	Description of Development
08/1126	New student hub with dining, retail and student amenity facilities
08/ 1142	New horticulture department
08/1136	A new animal management centre
08/1134	New food processing department
08/1140	Minor alterations to form a new farm interpretation centre
08/1129	New horticulture and animal management training and education resource
09/0025	New facilities for arboriculture, construction and engineering Removal of Gas Cylinder And Erection of New Shed for Teaching Accommodation and Storage Extensions for Teaching Office and Storage Space
09/1155N	Demolition of the Cross College Building including Student Union Office
09/2160N	Refurbishment and Extension of the Existing Food Processing Department to Accommodate New Student Training Facility.
09/2675N	Demolition of Single Storey Teaching/ Amenity Block and Erection of a New Two Storey Food Centre of Excellence to Facilitate Business Innovation and Research Areas
10/0279N	Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use
12/3548N	Proposed 3 storey, 150 bed residential student accommodation building
13/0674N	Proposed internal re-use of existing accommodation for delivery of Food Engineering courses, extension to provide teaching rooms and proposed new build storage barn for Food Engineering & Engineering use
13/5091N	Outline application for new sports hall, 3G and MUGA pitches
13/5093N	New teaching facility, national centre for food futures and the environment and associated outbuildings including glasshouses and maintenance block
15/3852N	New access road to serve college faculty building (s.278 Agreement now signed)
15/5545N	Change of existing grass sports pitch to 3G and MUGA pitches (new as yet undetermined)

NB. Many of the applications detailed above have since been built out.

Planning permission has also been granted for a development referred to as the NW Nantwich Urban Extension to the south of the main College campus / A51 which will provide 1,100 dwellings and up to 1.82 hectares of employment / incubator space (Planning Application Ref. 13/2471N). The uses proposed as part of the NW Nantwich development are entirely complimentary to that of the LDO, with the employment area of the NW Nantwich

development being located directly adjacent to the Employment Hub development proposed as part of the LDO on Site 6.

Reaseheath has been in educational use since 1919 and has seen considerable expansion and new development in recent years. A large proportion of the site sits within the Reaseheath (The Green) Conservation Area, which was designated in 1994. The landscaping and planting of the Conservation Area is a major element of the character of the college campus and integral to its intrinsic character and sense of place. The Conservation Area extends outside the main campus and includes the equine centre and adjacent fields and is much more informal in landscape character and setting.

The development contained within the proposed LDO will have no impact on the setting or context of the listed building status of the Old Hall.

None of the proposed LDO sites sit within the Conservation Area, although Sites 4 and 6 are the closest to the Conservation Area Boundary it has been concluded within the supporting Heritage Impact Assessment (HIA) prepared by Cass Associates that the sites will have a negligible impact on the setting of the conservation area through their development. The document suggests actions to be taken to mitigate any potential impact which will be adhered to at the detailed design stages.

Access to site 6 is to be provided via a 7.3 m wide single carriageway road to be constructed from the current A51 through the open field adjacent to the Equine Centre within the Conservation Area boundary. The reason for the siting of the access in this location is to reduce the impact on the adjacent conservation area to maintain its character and setting fronting the A51. There is already a 'farm track' in existence and the proposed access will purely be a formalising of this route. A clear buffer zone will be maintained between the development footprint of Site 6 (which is outside the Conservation Area) and the Conservation Area boundary itself.

POLICIES

NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF) sets out in a comprehensive document the Government's economic, environmental and social planning policies for England. It was published in March 2012 and Local Authorities are required to take its contents into account when preparing Development Plans and also when making decisions on planning applications and appeals.

The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.

Paragraph 19:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as

an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Paragraph 199:

“The NPPF continues to say that investment in business should not be over-burdened by the combined requirements of planning policy expectations and that local planning authorities should consider using Local Development Orders to relax planning controls where impacts are acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.”

LOCAL PLANNING POLICY

Cheshire East Local Plan Strategy (Submission Document March 2016)

The Submission version of the Cheshire East Local Plan Strategy is in accordance with the NPPF and supports the ambitions of the Food Enterprise Zone under **Policy EG2 – Rural Economy**. This addresses areas outside the Principal Towns, Key Service Centres and Local Service Centres, and encourages development that:

- Provides opportunities for local rural employment development that supports the vitality of rural settlements;
- Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practises; and
- Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the Council;

Furthermore, the Policy confirms support for development where the development:

- Meets sustainable development objectives as set out in policies MP1, SD1 and SD2 of the Local Plan Strategy;
- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- Would not undermine the delivery of strategic employment allocations;
- Is supported by adequate infrastructure; and
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity.

Cheshire East's Local Plan Strategy (LPS) is currently progressing through the Examination in Public (EiP) with resumed hearings currently underway and expected to run until 21st October 2016.

PUBLIC CONSULTATION

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the *Town and Country Planning (Development Management Procedure) Order 2010* (Statutory Instrument 2010/2184). Consultation must include any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

The draft LDO has been prepared by Cheshire East Council in partnership with Reaseheath College as the affected landowners. The Draft LDO was initially approved “in principle” as suitable for consultation by Cheshire East Council's Portfolio Holder on 2nd August 2016, subject to the completion of the required technical studies (which have since been completed).

The Cheshire East & Warrington Local Enterprise Partnership (LEP) was also advised of the intent to prepare an LDO and is supportive of the ambitions for growth.

Formal Public Consultation commenced on Wednesday 10th August 2016 and continued until Friday 9th September 2016. Advertisement of the period of Public Consultation was also found at the following sources:

- Cheshire East Press Release – 10th August;
- Cheshire East Council Consultation page (http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx);
- Crewe and Nantwich Guardian (online) – 10th August;
- Nantwich News (online) – 10th August;
- Cheshire Today (online) on 15th August;
- The Draft LDO and Statement of Reasons Report was made available for inspection on-line and hard copies available at Nantwich Library;

During this period a number of Statutory Consultees were consulted (e-mail sent out on 19th August) on the principles of the LDO at Reaseheath College and their responses are summarised below:

Historic England: No objections raised.

United Utilities: No objections raised – suggested wording put forward in terms of those conditions to be attached – these have since been incorporated in to the final list of conditions.

Environment Agency: No objections raised.

Highways England: No objections raised.

Sport England: No objections raised – however it was suggested that the relevant national governing bodies of sport (NGB) are consulted on the technical details during the design process.

Cheshire Archaeology Planning Advisory Service: No objections raised – suggested wording put forward, however there are limited archaeological concerns on any of the LDO sites.

Throughout the process of preparing the LDO, ongoing discussions have taken place with internal colleagues who have provided advice and guidance relating to Trees, Landscape, Design, Highways, Ecology and Development Management. They have subsequently signed off the proposed LDO as being appropriate and have suggested conditions which have all been incorporated.

During this period of Public Consultation a ‘drop in’ session was also organised at Reaseheath College to allow people to hear the full details of the proposals and ask questions as well as make comments as appropriate. This was held on Thursday 1st September, the formal invitation to this session can be found at (Appendix 2).

REPRESENTATIONS:

There were no fundamental objections to the proposed development from the public consultation. Key points raised within those comments received are as follows:

- Concerns relating to the impact of the LDO on the woodland on the campus as there are implications on current biodiversity and wildlife on the site;
- Concerns in relation to visibility from the A51 once the new access is developed for the employment site as well as the access to be created for this site becoming a 'rat run';
- Suggestion of restrictions on the proposed access to Site 6, specifically in relation to construction times, types of vehicles using the route, hours of operation, speed bumps;
- Comments received from Worlestone and District Parish Council in relation to traffic management of Main Road and proposed 30 mph speed limit restriction.

Following the receipt of these comments, the Council has sought to make a number of amendments to the LDO to mitigate against some of these issues. These can be summarised as follows:

- Landscape mitigation measures have been devised to ensure that the current biodiversity and wildlife on the site is not only protected but enhanced and this can be achieved through the buffer identified for Site 3 (and other sites);
- In terms of visibility from the A51, highways colleagues are satisfied that the proposed access to Site 6 is acceptable and affords the necessary level of visibility. Site 6 won't be developed until the A51 is realigned, at which point the historic section of the A51 will be for access only;
- Access to Site 6 will not create a link with any existing / proposed access routes (within the Kingsley Fields development) and as a result it will not create a 'rat run' situation;
- Comments made in relation to possible restrictions to the access to Site 6 was discussed with Development Management and further measures will be required through the preparation of a Construction Management Plan which has subsequently been conditioned; and
- The College are progressing the amendments to the 30 mph zone along Main Road to discuss those issues raised by Worlestone and District Parish Council.

Conclusions

The proposed LDO at Reaseheath College is fully endorsed by the Department for Environment, Food and Rural Affairs (DEFRA) and represents a sustainable form of future development for the College as well as further enhancement and support of the rural economy.

The LDO has been promoted by Spatial Planning and Economic Development in partnership with Reaseheath College. The proposals have also been fully consulted on through a formal Public Consultation exercise and direct engagement with Statutory Consultees, none of which have raised any objections to the proposals.

The proposed LDO will be 'live' for 15 years, however a review period will be initiated in years 5 and 10 where progress on the LDO will be looked at and proposed boundaries reviewed in detail where necessary.

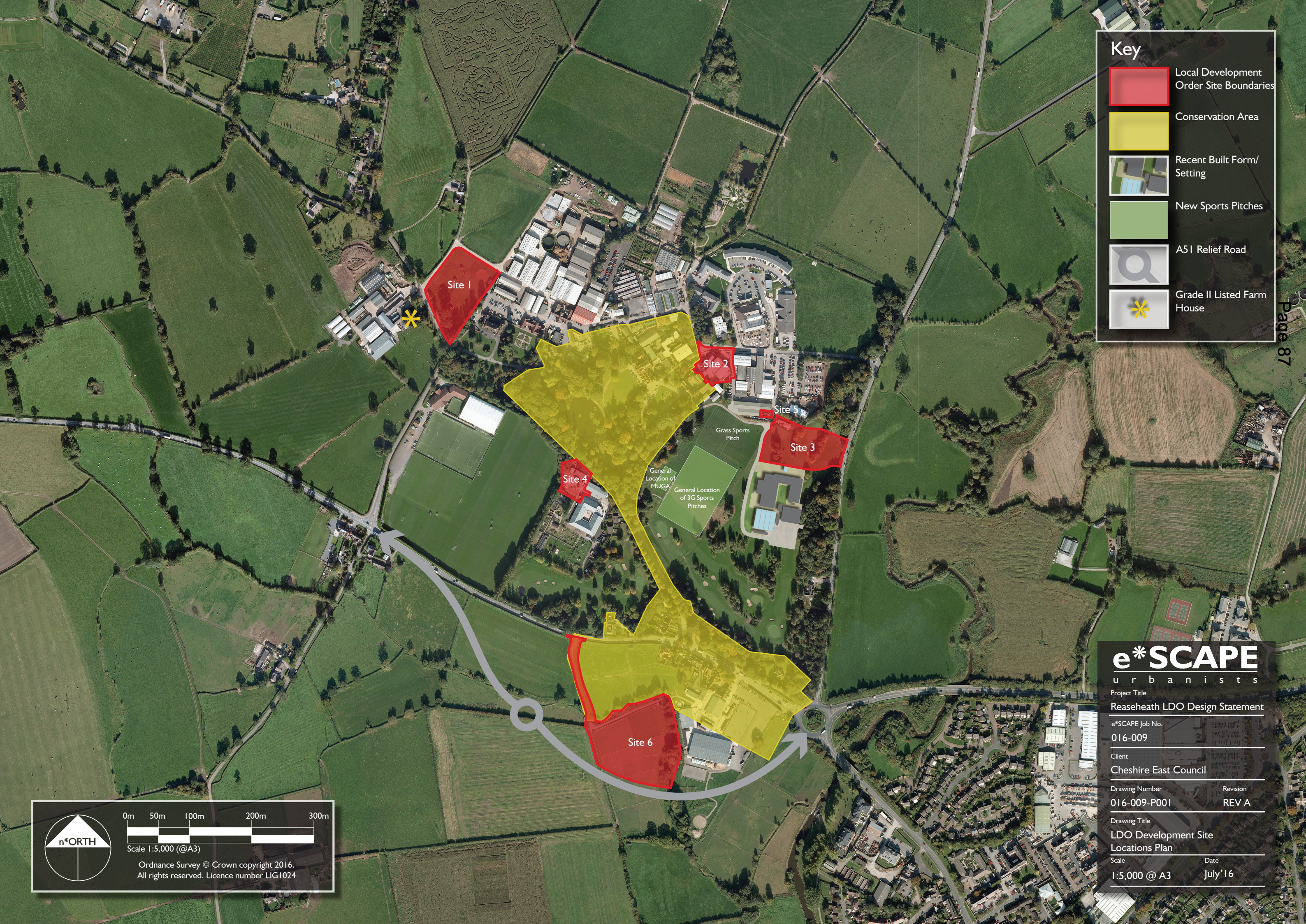
RECOMMENDATION:

APPROVE subject to those conditions within the formal LDO Consent Order (Appendix 3)

The formal Consent Order serves two purposes:


1. It operates in the same way as a decision notice by firstly setting out the level of development and uses to be approved by the LDO, specifically in terms of what constitutes permitted development; and
2. It identifies those conditions to be attached which must be discharged prior to any development taking place, this is organised by theme (drainage, landscaping etc) rather than by individual site.

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Key

- Local Development Order Site Boundaries
- Conservation Area
- Recent Built Form/Setting
- New Sports Pitches
- A51 Relief Road
- Grade II Listed Farm House


0m 50m 100m 200m 300m
Scale 1:5,000 (@A3)
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e*SCAPE
urbanists
Project Title
Reaseheath LDO Design Statement
e*SCAPE Job No.
016-009
Client
Cheshire East Council
Drawing Number
016-009-P001
Revision
REV A
Drawing Title
LDO Development Site
Locations Plan
Scale
1:5,000 @ A3
Date
July '16

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Westfields
c/o Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

Tel: 01270 685678
Fax: 01270 529890

Date: 19th August 2016

Dear Sir / Madam,

REASEHEATH COLLEGE LOCAL DEVELOPMENT ORDER (LDO) – PUBLIC CONSULTATION AND INVITATION TO DROP IN / Q&A SESSION

I am writing to inform you that there is currently a period of Public Consultation taking place on the proposed LDO at Reaseheath College. This consultation is anticipated to continue until **Friday 9th September**. Those documents that have been prepared to support the LDO are available to view online at the link below:

http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx

From next week (w/c 22nd August) these documents will also be available to view in hard copy format at Nantwich Library (Beam Street, Nantwich, CW5 5LY).

In addition to this, we are looking to hold a 'drop-in' session to allow members of the public to discuss the proposals and ask any questions they may have of Council Officers. There will also be a formal presentation given by Cheshire East and the College to summarise the proposals and to allow for a further Q&A session with interested parties.

The details for this session are as follows:

Date: Thursday 1st September

Location: Reaseheath College, Nantwich, CW5 6DF (please sign in at Centre Point reception)

Time(s): Drop in from 2:30pm – Presentation and Further Q&A will take place from 6:30pm

Should you wish to attend this session, please confirm your attendance through our Reaseheath LDO e-mail address: ReaseheathLDO@cheshireeast.gov.uk at your earliest convenience. Alternatively please do not hesitate to contact me on the details below.

If you are unable to attend this event we will endeavour to arrange a convenient time to discuss these LDO proposals with you and any comments in the interim would be gratefully received.

Yours faithfully,

Sophie Williams

Senior Planning Officer

Tel. 01270 685678 E-mail. Sophie.Williams@cheshireeast.gov.uk

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Reaseheath College Food Enterprise Zone
Adopted Local Development Order – October 2016

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Council hereby GRANTS planning permission under the terms of the Local Development Order detailed below for those areas identified on Plan 1 attached, subject to compliance with the conditions specified hereunder, for the reasons as indicated.

PERMITTED DEVELOPMENT AND USES WITHIN THE LDO AREAS

SITE 1 TEACHING & WORKSHOP SPACE

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class D1 (education & training) of the Schedule to the Use Classes Order

Interpretation –

Clinics, Health Centres, Crèches, Day Nurseries, Day centres, Museums, Public Libraries, Art Galleries Exhibition Halls, Law Courts, non residential education & training centres, places of worship, religious instruction, Church Halls.

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (a) The maximum height of development shall not exceed 10 metres in height to the Apex
- (b) The total level of development shall not exceed 2,500 sq m

SITE 2 CENTRE POINT EXTENSION

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class D1 (education & training) of the Schedule to the Use Classes Order

Interpretation –

Clinics, Health Centres, Crèches, Day Nurseries, Day centres, Museums, Public Libraries, Art Galleries Exhibition Halls, Law Courts, non residential education & training centres, places of worship, religious instruction, Church Halls.

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PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (a) The total level of development shall not exceed 600 sq m

SITE 3 SPORTS SCIENCE & PERFORMANCE ACADEMY

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class D1 (education & training) of the Schedule to the Use Classes Order

Interpretation –

Clinics, Health Centres, Crèches, Day Nurseries, Day centres, Museums, Public Libraries, Art Galleries Exhibition Halls, Law Courts, non residential education & training centres, places of worship, religious instruction, Church Halls.

- (b) Class D2 (indoor or outdoor sports/gymnasium) of the Schedule to the Use Classes Order

Interpretation –

Cinema, Concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, area for indoor or outdoor sports or recreation not involving motor vehicles or firearms.

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (a) The maximum height of development shall not exceed 12 metres in height to the Apex
- (b) The total level of development shall not exceed 1,850 sq m

SITE 4 EXTENSION TO TEACHING SPACE

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class D1 (education & training) of the Schedule to the Use Classes Order

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Interpretation –

Clinics, Health Centres, Crèches, Day Nurseries, Day centres, Museums, Public Libraries, Art Galleries Exhibition Halls, Law Courts, non residential education & training centres, places of worship, religious instruction, Church Halls.

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (a) The maximum height of development shall not exceed 6 metres in height to the Apex
- (b) The total level of development shall not exceed 450 sq m

SITE 5 EXTENSION TO ENGINEERING SHED

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class D1 (education & training) of the Schedule to the Use Classes Order

Interpretation –

Clinics, Health Centres, Crèches, Day Nurseries, Day centres, Museums, Public Libraries, Art Galleries Exhibition Halls, Law Courts, non residential education & training centres, places of worship, religious instruction, Church Halls.

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (a) The maximum height of development shall not exceed 8 metres in height to the Apex
- (b) The total level of development shall not exceed 200 sq m

SITE 6 EMPLOYMENT HUB

1. Within area “a” (as outlined in brown on the plan Appendix 1)

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

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Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (b) Class B1 (business) of the Schedule to the Use Classes Order

Interpretation –

Class B1 (Business) includes offices (not falling within A2), research and development, light industry (industrial processes that can be carried out in any residential area without causing detriment to the amenity of the area)

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

Limitations

- (b) No individual building shall exceed 8 metres in height to the Apex
- (c) No individual building shall exceed 400 sq m maximum footprint
- (d) The total level of development in Area a shall not exceed 2,000 sq m

2. Within area “b” (as outlined in orange on the plan Appendix 1)

PART 1 CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) Class B1 (business) of the Schedule to the Use Classes Order

Interpretation –

Class B1 (Business) includes offices (not falling within A2), research and development, light industry (industrial processes that can be carried out in any residential area without causing detriment to the amenity of the area)

- (c) Class B2 (General Industry) of the Schedule to the Use Classes Order
- (d) Class B8 (Storage and Distribution)

PART 2 THE ERECTION OR CONSTRUCTION OF BUILDINGS

Permitted Development

The erection or construction of a building.

Limitations

- (a) No individual building shall exceed 10 metres in height to the Apex
- (b) The total level of development in Area b shall not exceed 3,800 sq m

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PLAN 1 – LDO Site Boundaries



Reaseheath College Food Enterprise Zone
Adopted Local Development Order – October 2016

CONDITIONS

General

1. The LDO expires on 31st October 2031 (15 years after adoption). This means that all development that takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development that has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, revised or expires. Development that has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 15-year period; provided it still complies with the established conditions and criteria for development. (Commencement is defined as the construction of a foundation trench as a minimum).

Reason: For clarity on the duration of the permitted development.

2. Before commencement of development and in order to ensure compliance with the LDO, all proposals which seek to benefit from the provisions of the LDO must complete and submit to the Local Planning Authority the self-certification form attached to this Order (Appendix 2) together with the plans and documents highlighted below to assist with the discharge of the planning conditions. Due to its simplicity, LDO Site 5 only needs to submit the Self-Certification form and confirmation of external materials.

The Council will issue written confirmation of compliance (or non compliance) within 28 days of the receipt of the form or may issue a request for further information. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal.

The plans and documents to be submitted must include the following:

- A site layout plan to an appropriate metric scale;
- Topographical survey of site showing existing and proposed finished levels; Detailed elevations and floor plans of all buildings to an appropriate metric scale.
- A schedule of external facing materials;
- A detailed landscaping scheme;
- A comprehensive package of Arboricultural information in accordance with current BS 5837 guidelines, to include a tree survey no more than 12 months old, an Arboricultural impact Assessment and measures for the protection of retained trees’;
- Construction management plan including full details of “reasonable avoidance measures” for protected species where applicable;
- A scheme for all external lighting;
- A scheme for the attenuation of surface water with accompanying pollution prevention measures;
- A foul drainage discharge and treatment assessment; and
- Required ecological survey for Site 6

Reason: In order that progress and compliance can be monitored and records can be kept of outcomes.

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3. The development hereby approved shall be carried out in full accordance with the adopted Reaseheath College LDO Strategic Design Statement and the development parameter plans contained therein (October 2016).

Reason: For the avoidance of doubt, in the interest of proper planning and responding to the character and appearance of the development and the surrounding area.

Construction Access

4. Construction access to all campus based LDO Sites 1-5 shall only be permitted via the main Worleston/B5074 entry points to the College and no other routes. Further details, including construction time limits and treatment of noise and dust to be set out in the Construction Management Plan to be submitted with the Self-Certification Form prior to commencement.

Reason: In the interest of the amenity of nearby residents.

Drainage & Services

5. Prior to the commencement of development or other operations being undertaken on site in connections with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or machinery) a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other legislation). Such layout shall provide for the long-term retention of the agreed trees on site. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

Reason: To ensure the adequate provision of drainage infrastructure and to ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

6. The service/drainage layout to ensure total separation of the foul and surface water drainage systems, with only foul water flows being allowed to emanate from the site and to communicate with the public sewerage system.

Reason: To comply with requirements of United Utilities Water Limited and to protect the security and safety of the public sewerage system.

Landscaping

7. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for all the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted, boundary treatments, surfacing materials (including roadways, drives, patios and paths).

Reason: To secure a high standard of landscaping in the interests of the appearance of the development in the locality and in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the approved landscaping scheme is efficiently implemented and subsequently maintained in the interests of the appearance the development in the locality and in accordance with Policy BE.2 (Design Standards), BE 7 (conservation areas) and BE9 (listed buildings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 .

Environmental Protection

9. No trees, shrubs or hedges within the site which are shown as being retained within the approved Strategic Design Statement (October 2016) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

10. Prior to the commencement of development or other operations being undertaken on any individual LDO Site, a scheme for the protection of the retained trees shall be produced in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to that site, including trees which are the subject of a Tree Preservation Order currently in force. The scheme shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

11. No operations shall be undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme for that site are in place. Furthermore, no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. All protective fencing shall be retained intact for the full duration of the development hereby approved for each LDO site and shall not

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be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

12. Prior to the commencement of development or other operations being undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification for that site shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998(2010) Tree Works –Recommendations

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the area.

13. Prior to the commencement of development or other operations being undertaken on any individual LDO site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

14. No external lighting shall be installed within the boundary of the LDO sites unless in accordance with the approved Strategic Design Statement (October 2016) or other details that shall have first been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained in accordance with the details thereby approved.

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Reason: To safeguard residential amenity, wildlife, the character of the area and the setting of the Conservation Area.

Highways

15. The development hereby approved for LDO Site 6 shall not be brought into use or occupied until full details of the proposed vehicular access has been approved by the Local Planning Authority and constructed in accordance with those details and shall thereafter be permanently retained.

Reason: To ensure that suitable access is provided in the interests of highway safety.

16. A Travel Plan shall be submitted with the self-certification form for each individual development brought forward on LDO Site 6, monitored and reviewed annually for five years after initial occupation in close liaison with the Local Planning Authority. All other sites will be incorporated into the existing annual Travel Plan review for Reaseheath College Campus.

Reason: To ensure that the development can operate within the highway network and to promote sustainable modes of transport.

17. No part of the development on LDO Site 6 hereby approved shall be brought into use or occupied unless provision has been made for the turning of vehicles and parking in accordance with details that shall have first been submitted to and approved, in writing by the Local Planning Authority. The provision made for the turning of vehicles and parking shall thereafter be permanently retained, kept free from obstruction and not used other than for the turning of vehicles.

Reason: To ensure that sufficient parking is provided to serve the approved development and ensure that vehicles enter and leave the highway in a forward gear in the interests of highway safety.

Ecology

18. Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone takes place.

Reason: To safeguard protected species in accordance with the NPPF.

19. The consented development in LDO Sites 1, 3, 4 and 5 to proceed in strict accordance with the 'Reasonable Avoidance Measures' detailed in section 8 of the Great Crested Newt Survey dated June 2016.

Reason: To safeguard protected species in accordance with the NPPF.

20. If development within LDO Site 3 has not commenced by the end of July 2017 updated surveys for both bats and badgers are to be undertaken by a suitable experienced ecological consultant and a report submitted to the Local Planning Authority. The

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submitted report to include mitigation and compensation proposals designed to address any adverse impacts on these species identified as a result of the required surveys. Any agreed mitigation and compensation measures to be fully implemented.

Reason: To safeguard protected species in accordance with the NPPF.

21. Prior to the commencement of any development within LDO Site 6, detailed surveys are to be undertaken for otter, water vole, badger, reptiles, bats and barn owls. The initial scope of these surveys are to be agreed with the Local Planning Authority and undertaken by a suitably experienced ecological consultant; taking full account of the implications of breeding seasons etc.

The submitted report to be agreed in writing with the Local Planning Authority is required to include mitigation and compensation proposals designed to address any adverse impacts on these species identified as a result of the required surveys. Any agreed mitigation and compensation measures to be fully implemented as part of the development.

Reason: To safeguard protected species in accordance with the NPPF.

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INFORMATIVES

- A. The majority of conditions will require prior approval before work starts on site with full details to be supplied as set out in Condition 2. All information is to be provided together for each LDO site to avoid delays in prior approval and to minimise the cost of discharging as individual conditions. Compliance with this approach will incur the Council's standard discharge of condition fee currently £385 or as updated and published on the Council's web site; other than for LDO Site 5 where no charge will be applied.
- B. This LDO does not exclude applicants from applying for planning permission for developments that are not permitted by this Order.
- C. The LDO does not grant planning permission for any developments other than those expressly listed. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.
- D. The LDO does not allow for changes of use between use classes, other than those that would otherwise be permitted under the Town and Country Planning General Permitted Development Order
- E. The LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development Order 2015 (as amended) or any successor legislation or order.
- F. This LDO does not overrule the requirements of any other legislation, including but not exclusively, Highways Acts, Listed Buildings and Conservation Areas Acts, Environmental Protection Legislation, the Equality Act and the Building Regulations.
- G. The LPA will review progress with the LDO on the fifth and tenth anniversary of its adoption. This will allow the LPA to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the trigger event and at the end of the review the Council will determine whether to:
 - Retain the LDO as it stands for the remaining period of its life;
 - Retain but revise some elements; or
 - Revoke and Cancel the LDO
- H. Any development which requires an individual Environmental Impact Assessment (EIA) would need to be assessed through a formal planning application submission as such developments would fall outside the scope of this LDO.
- I. Any development that does not comply with the terms and conditions of this Local Development Order will be liable to formal enforcement proceedings. Any 'formal enforcement proceedings' will be subject to safeguards for developers enshrined in the National Enforcement Charter, where a reasonable opportunity will be given for developers to co-operate and quickly rectify any genuine mistakes where possible.
- J. The applicant is reminded that compliance with the conditions attached to this consent does not preclude the Council from taking action under the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990.

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- K. All developments within the LDO area will be exempt from future Community Infrastructure Levy (CIL) requirements to reduce the cost to developers and therefore promote and encourage employment generation in the area.

ADOPTION

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APPENDIX 1: LDO SITE 6 – EMPLOYMENT HUB



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APPENDIX 2: SELF-CERTIFICATION FORM AND VALIDATION REQUIREMENTS

1. Applicant Details	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	
2. Agent Details (if applicable)	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	
3. LDO Site Reference	
LDO Site Number 1-6	
For LDO Site 6 – Plot Reference	
Confirmation of Site Area	
Total Proposed Floorspace	

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4. Description of the proposal

Please provide a summary description of the proposal (200 words)

5. Compliance with the Local Development Order

Please provide a brief statement of how the proposal complies with the LDO and the adopted Reaseheath College LDO Strategic Design Statement (October 2016)

6. Design & Materials

What materials are to be used externally? Please provide detail on the type, colour and name of each material.

Walls	
Roof	
Windows	
Doors	
Boundary Treatments	
Access arrangements	
Lighting Proposals	
Other	

7. Employment – For LDO Site 6 please provide details of proposed employment

	Full Time	Part Time

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8. Industrial or Commercial Processes and Machinery

Please describe the activities and processes that would be carried out on the site and the end products, including details of plant, ventilation or air-conditioning. Please indicate the types of machinery that would be installed in the site:

9. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below?

If YES please provide the amount of each substance involved:

Acrylonitrile (tonnes)	Ethylene oxide (tonnes)	Phosgene (tonnes)
Ammonia (tonnes)	Hydrogen cyanide (tonnes)	Sulphur dioxide (tonnes)
Bromine (tonnes)	Liquid oxygen (tonnes)	Flour (tonnes)
Chlorine (tonnes)	Liquid petroleum gas (tonnes)	Refined white sugar (tonnes)
Other: Amount (tonnes)	Other: Amount (tonnes)	

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10. Landowners Consent		
The landowner's consent must have been sought prior to submitting this scheme. Please provide details below:		
Name of Owner	Address	Date Notice Served
Signed – Applicant	Or Signed – Agent	Date

11. Supporting Documents - Checklist
Please read the following checklist to make sure you have provided all the required information in support of your proposal:
<ul style="list-style-type: none"> a) Signed and dated copy of this form b) A site layout plan to an appropriate metric scale. c) Topographical survey of site showing existing and proposed finished levels. d) Detailed elevations and floor plans of all buildings to an appropriate metric scale. e) A schedule of external facing materials. f) A detailed landscaping scheme. g) Tree protection measures. h) Arboricultural Method Statement. i) Construction management plan including full details of “reasonable avoidance measures” for protected species where applicable. j) A scheme for all external lighting. k) A scheme for the attenuation of surface water with accompanying pollution prevention measures. l) A foul drainage discharge and treatment assessment. m) Ecological survey as required for LDO Site 6 n) Travel plan as required for LDO Site 6

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12. Declaration

I/We hereby apply for certification of compliance with the Reaseheath College Local Development Order as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

12. Declaration

I/We hereby apply for certification of compliance with the Reaseheath College Local Development Order as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Signed – Applicant

Or Signed – Agent

Date

Send this completed form by email to:

Or by post to:

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